

CITY OF ST. LOUIS
CIVIL SERVICE RULES



DEPARTMENT OF PERSONNEL
1114 Market Street, Room 703
St. Louis, Missouri 63101-2043

WITH
AMENDMENTS
TO: 09/04/13

City of St. Louis

Department of Personnel Civil Service Rules Manual

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Civil Service Rule I: Definitions

Section 1.

The following words and phrases when used in these rules shall have the following meaning, unless otherwise clearly indicated in the text:

(a) "Article Eighteen" means Amended Article XVIII of the Charter of St. Louis, Missouri, as adopted September 16, 1941, pursuant to Ordinance 42.021, and any subsequent amendments thereto.

(b) "Allocation" means the official determination of the class in which a position in the classified service shall be deemed to exist.

(c) "Appointing Authority" means any person or group of persons having power by law or ordinance, or by lawfully delegated authority, to make appointments to any position in the City Service.

(d) "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in such position.

(e) "Career Seasonal Employee" means a person who has been appointed to a position designated by the Director of Personnel as being career seasonal or cyclical and who has satisfactorily completed a working test period.

(f) "Career Seasonal Position" means any position in the classified service which is permanent in nature, but for which the services of an employee are not continuous and uninterrupted; such positions are designated by the appointing authority for use during a recurring cycle or component of municipal services.

(g) "City Service" or "service of the City" means all positions as defined in Article XVIII, that are subject to control and regulation by the City of St. Louis as a municipal corporation, or any of its officers or other agencies as such.

(h) "Class" or "Class of positions" means a definitely recognized kind of employment in the classified service designed to embrace all positions sufficiently alike, with respect to the character of duties and responsibilities as to be treated alike under like conditions for all personnel purposes.

(i) "Classification plan" means an orderly arrangement of positions into separate and distinct classes so that each will contain those positions which involve similar duties and responsibilities as applied to those positions placed in the classified service under the provisions of Article XVIII.

(j) "Classified employee" means an employee occupying a position in the classified service.

(k) "Classified service" means all positions in the City Service except those specifically placed in the unclassified service as defined by Article XVIII.

(l) "Commission" means the St. Louis Civil Service Commission and "Commissioner" means a member of that body.

(m) "Compensation" means the salary, wages, fees, allowances, and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position, but does not include allowances for expenses authorized and incurred as incidents to employment.

(n) "Compensation plan" means a schedule of salaries established by ordinance for the several classes of positions recognized in the classification plan, so that all positions of a given class under similar working conditions will be paid the same salary or according to the same salary range established for the class. The compensation plan shall also include terms and conditions of employment and other benefits that are compensation in nature, such as, but not limited to, hours of work, leave, Workers' Compensation, and various insurance and death benefits.

(o) "Competitive position" means any position in the classified service that is subject to the requirements of Article XVIII relating to appointment on the basis of competitive tests of fitness and applied to every position in the classified service not expressly excepted by Article XVIII.

(p) "Demotion" means a change of an employee in the classified service from a position of one class to a position of another class with a lower-numbered pay grade to be defined by the Director.

(q) "Department" means the St. Louis Department of Personnel, including Director of Personnel, unless the context clearly requires otherwise.

(r) "Detail" means the temporary assignment of an employee from a position in one class to perform the duties of a position in a different class under the same appointing authority for a period not to exceed sixty (60) days.

(s) "Director" means the Director of Personnel as set forth by Article XVIII.

(t) "Eligible" means a person whose name has been placed on an employment, reemployment, reemployment from layoff, or promotional list for a given class.

(u) "Eligible list" means any of the lists of names of persons eligible for appointment to positions in the classified service and includes employment lists, reemployment lists, reemployment from layoff lists and promotional lists.

(v) "Employee" means a person legally occupying a position.

(w) "Employment list" means a list of the names of persons arranged in order of merit as provided by these rules and Article XVIII, who have been found qualified through suitable tests, and who are entitled to have their names certified to appointing authorities for original appointment under the provisions of Article XVIII and these rules.

(x) "Examination" means all the tests of fitness, taken together, that are applied to determine the fitness of applicants for positions of any class.

(y) "Excepted employee" means any employee occupying an excepted position.

(z) "Excepted position" means any position in the classified service not subject to the provisions of Article XVIII requiring competitive tests of fitness for appointment and such other provisions as, by their terms, apply specifically to competitive positions alone, but which are subject to all other provisions of Article XVIII insofar as consistent with the law and the exception. The following described positions, and no others, shall be deemed to be excepted positions:

1. all positions filled by election by the people;
2. all positions of heads of principal departments and of independent agencies, that are filled by appointment by the Mayor;
3. all positions in the Mayor's Office, except that no employee will lose their job or status due to this change;
4. all positions of paid members of boards;
5. all officers and employees of the Board of Aldermen.

(aa) "Exempt employee" means an employee in a class of position which meets the criteria to be excluded from the overtime provisions of the Fair Labor Standards Act.

(bb) "Grade" means all positions or classes of positions in the City Service that are determined to be of the same level with respect to the difficulty and responsibility of their duties and any other measure of value, and for which the same rate or scale of rates of compensation is prescribed, under the provisions of Article XVIII.

(cc) "Layoff" means the removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not reflect on the employee.

(dd) "Limited term position" means any position in the classified service which requires or is likely to require the services of an employee without interruption for a period of not more than one year.

(ee) "Non-exempt employee" means an employee in a class of position which meets the criteria of the Fair Labor Standards Act for compensation of overtime worked.

(ff) "Permanent employee" means an employee who has satisfactorily completed a working test period and whose permanent appointment has been recommended by the appointing authority and approved by the Director.

(gg) "Permanent position" means any position in the classified service which has required or is likely to require the services of an employee without interruption for a period of no less than one year and with no expected delimiting date, subject to continued funding and need.

(hh) "Position" means any appointive or elective office, and any employment, or two or more of such offices and employments, the duties of which call for services to be rendered by one person.

(ii) "Promotion" means the change of an employee in the classified service with permanent status from a position of one class to a position of another class with a higher-numbered grade level.

(jj) "Promotional examination" means all tests of fitness, taken together, that are applied from time to time to determine the fitness of applicants for positions in a particular class, but which are limited to employees with permanent status who occupy a position in a class or whose names appear on a reemployment from layoff list for a lower-numbered grade level.

(kk) "Promotional list" means the names of classified employees with permanent status or whose names appear on a reemployment from layoff list, arranged in order of merit as provided in these rules, who have been found qualified through suitable tests for promotion or appointment to positions which have a higher-numbered grade level than the classes of position they are currently occupying or from which they were laid off.

(ll) "Public hearing" means an opportunity given after public notice of at least five (5) days for any person to be heard publicly by the Commission at reasonable length on the matter involved.

(mm) "Public notice" means a written notice placed upon a bulletin board or other prominent place located in or near the offices of the Department in a place accessible to the public during business hours.

(nn) "Reassignment" means the assignment of an employee in the classified service from one position to a different position in the same grade and under the same appointing authority.

(oo) "Reemployment list" means a list of names of persons who had permanent status arranged in the order provided by these rules, who have occupied positions in the classified service, who have resigned in good standing from the classified service and who are entitled to have their names certified to appointing authorities under the provisions of Article XVIII and these rules.

(pp) "Reemployment from layoff list" means a list of names of persons arranged in the order provided by these rules who have occupied positions in the classified service, and who had permanent status in the positions from which they were laid off, and who were laid off for reasons not discreditable to them, and in accordance with these rules, and who are eligible for priority consideration on referral to vacant positions.

(qq) "Temporary appointments" means the temporary appointments, without competitive tests, to competitive positions, for not to exceed six (6) months, except with the approval of the Director of Personnel, but no extension will exceed three (3) months.

(rr) "Term position" means any position in the classified service which requires or is likely to require the services of an employee without interruption for a period of more than a year but with either a definite limiting date and/or for the duration of a specific project or source of funding or period of training including internship.

(ss) "Test of fitness" means any means or measure for determining the merit and fitness of persons for original appointment or promotion to positions of a class.

(tt) "Title," "Class title," or "Classification" means the designation given under the classification plan to a class, to each position allocated to a class, and to the incumbent of each position allocated to the class.

(uu) "Transfer" means the assignment of an employee from a position in the classified service under an appointing authority to a different position in the same pay grade in the classified service under a different appointing authority.

(vv) "Unclassified employee" means any employee occupying a position in the unclassified service.

(ww) "Unclassified service" means all position not subject to the provisions of Article XVIII, ordinances, and civil service rules relating exclusively to positions in the classified service, and includes positions as follows, and no others:

1. all positions of members of boards, commissions, or committees serving without compensation;
2. all other positions in which services are rendered without compensation;
3. all officers and employees of the Board of Aldermen.

Section 2.

The masculine noun or pronoun as used in these rules shall be held to include the feminine, the singular to include the plural, and the plural the singular, unless otherwise qualified by the context.

REV.9/15/93

REV.4/23/98

REV.2/07

Civil Service Rule II: General Provisions

Section 1. Purpose:

It is the purpose of these rules to give effect to the purpose and requirement of Article XVIII by establishing procedures for handling personnel transactions and activities in such a manner as to insure:

(a) That all appointments and promotions to positions in the service of the City and all measures for the control and regulation of employment in such positions, and separation therefrom, shall be on the sole basis of merit and fitness, which so far as practicable shall be ascertained by means of competitive tests, or service ratings, or both.

(b) That an ordinance providing fair and equitable rates of pay, with due consideration of both employee and taxpayer, and with due consideration of the principle of like pay for like work, and suitable differences in pay for differences in work shall be prepared and upon passage shall be effectively and fairly administered.

(c) That consideration shall be given to the desires and interests of the employees insofar as consistent with the best interests of the City as an employer, and of the public served.

(d) That the City Service, so far as practicable, shall be made attractive as a career and each employee shall be encouraged to render his best service in willing compliance with the provisions of Article XVIII.

(e) That a modern and comprehensive system of personnel administration for the City shall be provided, whereby economy and effectiveness in the personal services rendered to the City, and fairness and equity to the employees and taxpayers, alike, may be promoted.

Section 2. Positions Covered By Rules:

These rules shall apply to all positions in the classified service, except as otherwise provided in Article XVIII relative to excepted positions.

Section 3. Adoption of Rules:

These rules shall be approved by the Commission only after a public hearing open to any citizen, officer or employee of the City of St. Louis. The hearing shall be held after five (5) or more days public notice has been given, setting forth the place and time of the hearing and the purpose for which it is called.

Section 4. Amendment of Rules:

Amendments to the rules may be made by the Commission from time to time, as circumstances and conditions may require and may be made in accordance with the procedure outlined in Rule II, Section 3.

Section 5. Administrative Regulations:

The Director shall promulgate and, as occasion requires, rescind or amend administrative regulations which shall prescribe the detailed procedures to be followed in carrying out the provisions of Article XVIII and of these rules.

Section 6. Powers and Duties of the Commission:

The Commission shall have the power and it shall be its duty:

(a) to prescribe, and to amend from time to time as such action is deemed to be desirable, rules for the administration and enforcement of the provisions of Article XVIII and of any ordinance adopted in pursuance thereof, and not inconsistent therewith;

(b) to recommend to the Mayor and Aldermen, in accordance with Article XVIII, ordinances to provide for:

1. a compensation plan providing properly related scales of pay for all grades of positions, and amendments to such compensation plan from time to time as may be required; and rules for its interpretation and application;
2. a plan for a system for retirement of superannuated and otherwise incapacitated employees, if and when permissible under the constitution and laws of the State of Missouri;
3. regulation of hours of duty, holidays, attendance and absence;
4. such other matters within the scope of this article as require action by the Mayor and Aldermen;
5. such changes in any such matters from time to time as may be deemed to be warranted.

(c) to make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this article and of ordinances and rules adopted in accordance therewith, and to make such recommendations to the Director and to the Mayor and Aldermen as in its judgement may be warranted in the premises;

(d) to consider and determine any matter involved in the administration and enforcement of Article XVIII and the rules and ordinances adopted in accordance therewith that may be referred to it for decision by the Director, or on appeal by any appointing authority, employee, or taxpayer of the City, from any act of the Director or of any appointing authority. The decision of the Commission in all such matters shall be final, subject, however, to any right of action under any law of the State or of the United States;

(e) to hold an examination for the position of Director, whenever eligibles therefor are needed, and to certify eligibles resulting therefrom to the Mayor; also to designate an employee of the Department of Personnel to perform the duties of the Director when the position of Director is vacant and until an appointment is made from the eligibles certified;

(f) to transmit to the Mayor and Aldermen, with such additions and comments as it may desire to make, such annual and special reports as the Director of Personnel may submit for its action;

(g) to order the reinstatement without loss of pay of any employee who has been discharged, demoted, or reduced in rank or compensation for religious, racial, or political reasons;

(h) to represent the public interest in the improvement of personnel administration in the City Service;

(i) to advise the Mayor and the Director of problems concerning personnel administration;

(j) to advise and assist the Director in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the City Service.

Section 7. Duties and Powers of the Director:

The Director shall have the power and it shall be his duty:

(a) as executive head of the Department, to direct and supervise all its administrative and technical activities;

(b) to serve as secretary of the Commission, to see to the keeping of the minutes and records thereof, and in all other proper ways to facilitate the actions and proceedings of the Commission;

(c) to appoint all employees of the Department of Personnel except the Director and the members of the Commission, and to direct and control their work;

(d) to direct and control, under the customary financial procedures of the City, the expenditures from appropriations for the Department;

(e) to establish and maintain a roster of all City employees showing as to each employee the class title of the position held, the salary or pay, any change in class title, pay or status, and any other necessary data;

(f) to prepare and recommend for action by the Commission rules, including a classification plan and a service rating plan, drafts of ordinances for recommendation to the Mayor and Aldermen in matters requiring such ordinances, and changes as deemed desirable from time to time in such rules and ordinances, including a compensation plan;

(g) to allocate each position in the classified service to its appropriate class in the classification plan adopted under the provisions of Article XVIII, and reallocate positions as conditions warrant, from class to class;

(h) to prepare and maintain appropriate definitions of classes and grades in the classification plan and amend them from time to time as he may deem such action warranted;

(i) to hold examinations, pass upon the qualifications of applicants, and establish eligible lists as needed, and to certify names of eligibles to appointing authorities for filling vacancies in competitive positions;

(j) to cooperate with appointing officers and others in providing programs of training for employees, for employee welfare, for promoting of employee morale, and for otherwise raising of standards of performance in the service in every practicable way;

(k) to pass upon, for compliance with the provisions of the Charter and ordinances and these rules, and approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, leaves of absence, changes in rates of pay, suspensions, separations, and other employment transactions affecting the status of employees;

(l) to make such investigations as he may deem desirable with respect to the enforcement and effect of the personnel provisions of the Charter and ordinances and of these rules, and such special investigations as the Commission or the Mayor may request and make special reports relative thereto;

(m) to devise and recommend to the Commission a compensation plan consisting of scales of pay for the several grades or classes in due relation to each other and to rates prevailing for like employment in private industry, rules for the interpretation and application of the plan, and changes in such plan and rules from time to time as deemed desirable, including a draft of an ordinance for recommendation to the Mayor and Board of Aldermen;

(n) to make such administrative regulations as he may deem necessary, not inconsistent with the Charter, ordinances applicable, and these rules, relative to matters involved in the administration of the personnel provisions of such Charter, ordinances, and rules;

(o) to make annual reports to the Commission for its approval and transmission to the Mayor and Aldermen on the work of the Department and the administration and effect of Article XVIII, with such recommendations for action as he may deem desirable, and such special reports as may be requested by the Commission or the Mayor;

(p) to aid the Mayor and Aldermen, and the several appointing officers, in determining the number and kinds of positions needed to carry on the City's business and in discovering and labeling unnecessary positions in order that they may be designated as supernumerary, so that they may be eliminated as opportunity affords for transfer of the employees to other positions, under the provisions of Article XVIII, and so that, as they become vacant, steps may be taken to keep them from being filled;

(q) to transfer without loss of status the employees in unnecessary and supernumerary positions to other vacant positions in the classified service under the same or different appointing authority in order to serve the best interests of the City Service;

(r) to aid the Mayor and Aldermen, and appointing authorities in all practicable ways in handling other personnel matters relating to positions under their jurisdictions;

(s) to do all other and further things necessary or proper for making effective the provisions of Article XVIII and all rules and ordinances adopted in pursuance thereof, and not inconsistent therewith, whether of the same kinds as those specified in this section, or of different kinds;

(t) to take such action, not inconsistent with Article XVIII or ordinances pursuant thereto, as may be reasonably necessary and proper to effectuate the purpose of such article

and ordinances, in the absence of specific provisions in Article XVIII, ordinances, or rules of the Commission;

(u) to designate an employee of the Department to act as his deputy, upon whom the powers and duties of the Director shall devolve in the absence of the Director or his inability from any cause to discharge the powers and duties of his office;

(v) to retain, for purposes of assisting in the examination of candidates for positions of high responsibility and positions requiring unusual qualities or qualifications, the services of persons, without regard to their residence, who because of their experience or for other reasons have special acquaintance with the qualities or qualifications requisite for the positions under examination;

(w) to administer and enforce the provisions of Article XVIII, of all ordinances adopted pursuant thereto, and of these rules, subject to these rules and to appeal and review by the Commission.

Section 8. Compliance with Law, Rules, and Orders:

It shall be the duty of all employees to conform to and comply with, and to aid in all proper ways in carrying into effect, the provisions of Article XVIII and the rules and ordinances prescribed thereunder. Whenever the Director of Personnel shall make any order under the provisions of Article XVIII or in accordance with any rules or ordinances thereunder, the employee to whom such order is directed shall forthwith comply with the terms and provisions thereof, and any failure or neglect on the part of such employee properly to satisfy or meet the requirements of such order without sufficient justification therefor, shall be construed as grounds for his removal, subject to all rights of appeal and review provided by this Article or by ordinance or law.

Section 9. Violation and Penalties:

Any person who shall willfully or through culpable negligence violate or conspire to violate any provision of Article XVIII or of any ordinance made pursuant thereto for which no other punishment is provided therein, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not to exceed six months, or both, in the discretion of the court. The conviction of any employee of any such offense shall operate automatically to terminate his service and to vacate his position; any employee so removed from the service shall not be reinstated, reemployed, or reappointed, or in any other manner reenter the

service of the City of St. Louis for a period of five years from the date of such conviction, and the Comptroller and any other fiscal officers responsible for payment of any compensation to such person are hereby charged with notice thereof. Nothing in this section shall be construed to supplant or in any way affect any prosecution that may be elected to be initiated under any other provision of law relating to the nonfeasance, malfeasance, or misfeasance, of public officers.

Civil Service Rule III: Commission, Organization & Procedure

Section 1. Organization of the Commission:

The Commission shall, at its first regular meeting in October, elect one Commissioner to serve as chairman for a term of two years, or until a successor is duly elected. The Commission shall also, at the same meeting, elect one Commissioner to serve as vice-chairman for a term of two years, or until a successor is duly elected. If either of these offices is vacated because of death, resignation, or in any other manner, before the expiration of the incumbent's term of office, the Commission shall elect his successor at the next regular meeting of the Commission. The Director of Personnel shall act as secretary of the Commission.

Section 2. Regular Meetings:

The Commission shall hold regular meetings and shall designate the date, time and place the meetings are to be held and give public notice thereof. Regular meetings may be canceled by the Commission or on request of the Director.

Section 3. Special Meetings:

Special meetings may be called by any Commissioner or by the Director, upon giving advance notice to each Commissioner.

Section 4. Rules of Order:

The Commission shall not be bound by any rules of order, evidence or procedure in its meetings, hearings, or investigations, except such as it may itself establish.

Section 5. Quorum:

Two members of the Commission shall constitute a quorum for the transaction of business. Any meeting shall be adjourned in the absence of a quorum.

Section 6. Power to Take Action:

Neither the Commission nor any member shall have power to take action except by majority vote in meeting assembled. An appeal by any appointing authority, employee, or taxpayer of the City from any act of the director or any appointing authority may be heard or reviewed by one member of the Commission, however, a majority of the membership of the Commission shall consider all the evidence presented in the hearing or review, shall participate in the decision, and render a decision by majority vote.

Section 7. Minutes:

The Director, or in case of his absence or disability, the person acting for him, shall attend all regular meetings of the Commission, shall act as its secretary and record its official actions in the minutes. The time and place of each meeting of the Commission, names of Commissioners present, all official acts of the Commission, the votes of each Commissioner except when the acts are unanimous and, when requested, a Commissioner's dissent, with his reasons, and the actions of the Commission thereon, shall be recorded in the minutes. All communications and requests referred to the Commission for official action shall be appended to and made a part of the minutes. The Director shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting. The official copy of the minutes and any amendments thereto, or a true copy thereof, certified by the Secretary of the Commission shall be kept at the offices of the Department and shall, subject to reasonable regulations, be open to the public inspection.

Section 8. Appeals to the Commission:

Any appointing authority, employee, or taxpayer of the City who feels himself aggrieved by the action of any appointing authority, or of the Director may within ten (10) days after the effective date of such action file a written complaint with the Commission on any matter involved in the administration and enforcement of Article XVIII, the rules, and ordinances adopted in accordance with Article XVIII. The Commission may consider the appeal and set a time for the hearing or review in accordance with its work schedule and dates available for the hearing or review. The provisions of this section shall not apply in cases of disciplinary actions which shall be governed by Rules IX and XIII.

Civil Service Rule IV: Classification Plan

Section 1. Preparation of Plan:

The Director shall prepare a classification plan, which shall provide for the establishment of standard titles, and a written definition for each class of position existing in the classified service, describing the duties and responsibilities characteristic of positions properly pertaining to the class, with examples of duties and setting forth knowledges and skills necessary for the successful performance of the tasks involved in the class.

Section 2. Adoption of Plan:

The classification plan shall be adopted by the Commission, after a public hearing open to any resident, officer, and employee of the City of St. Louis, and following such changes and amendments as the Commission deems desirable.

Section 3. Amendment of Plan:

Whenever there is a need to amend the classification plan, the Director shall submit his recommendation to the Commission for approval. However, whenever, in the opinion of the Director, there is urgent necessity for establishing a new class in the classification plan, or for revising an existing class, he may anticipate formal action of the Commission by adding the new class to, or revising an existing class, in the classification plan. Such action shall be subject to the approval of the Commission at a later meeting, or as soon thereafter as practical.

Section 4. Interpretation of Class Specifications:

The specifications of the various classes of positions in the classification plan, and in their various parts, shall have the following force and effect:

(a) The definitions are descriptive and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the several classes as determined by their duties and responsibilities, and shall not be construed as declaring to any extent, or in any way, what the duties and responsibilities of any position shall be, or as limiting, or in any way modifying the power of any appointing authority to assign duties to, and to direct and control the work of, employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall the definition be held to exclude duties and responsibilities determined by the appointing authority to be reasonable assignments.

(b) In determining the class to which any position should be allocated, the definition of each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relations to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.

(c) Qualifications commonly required of incumbents of positions of different classes, such as acceptable physical condition, good character, honesty, sobriety, and industry, shall be deemed to be implied as qualification requirements for entrance to each class, even though they are not specifically mentioned in the specifications.

(d) The statement of necessary special qualifications in the specification, which comprises an enumeration of the licenses, registrations, or other legal qualifications required for the performance of the duties of the class, shall constitute a basis and source of authority for acceptance or rejection of applications for examinations for the class, and for the evaluation of the qualifications of applicants. In the event that such qualifications are not specifically stated in the class specifications, but do exist in State or City laws or ordinances, they shall have the same effect as if they had been set forth in the specifications.

Section 5. Allocation of Positions to Classes

The Director shall allocate each position in the classified service to its appropriate class, placing in each such class those positions which are substantially so similar with respect to difficulty, responsibility, and character of work as to require generally the same kind and amount of training and experience for proper performance and to merit approximately equal pay. In making such allocations, he shall provide for the uniform application of the classification plan to positions under different appointing authorities.

Section 6. Status of Incumbent of Position When Allocated:

When any position is allocated or is reallocated to a different class to correct an error in its previous allocation, the employee in such position shall be entitled to continue to serve therein, with the status and all the rights and privileges provided in Article XVIII and these rules, as though he had been appointed to the position occupied under the terms of Article XVIII, provided that he was legally occupying the initial position by regular appointment thereto. The provisions of this section shall also apply to all persons who are employed by any public utility or other governmental jurisdiction when they are transferred to the classified service of the City.

Section 7. Allocation of New Positions, Reallocations:

(a) Whenever a new position shall be created by an appointing authority, he shall notify the Director in the manner and on forms prescribed by the Director. The Director shall then allocate the position to one of the classes existing in the classification plan; or, if no suitable class exists, he shall establish one as provided in these rules, and allocate the position to it.

(b) Whenever the duties of a position are so changed that the position in effect becomes one of a different class from that to which it is allocated, such change shall operate to abolish the position and to create a new position of such different class after proper action by the Director.

(c) Whenever a position is reallocated to a class of position in a higher level in the same or a related series, the incumbent may be granted the same status in the higher class as he or she held in the former class if the following conditions are met:

1. The reallocation of the position is based upon the accretion of new duties and responsibilities and the incumbent was continuously employed in the position during such accretion of duties and responsibilities.
2. The added duties and responsibilities were related to and supplemented the original functions of the position.
3. There is evidence that such additional duties were assigned to the position solely to increase the efficiency of the City Service.

(d) Whenever a position is reallocated to a class of position in a lower level in the same or a related series, the incumbent may be granted the same status in the lower class as he or she held in the former class. The employee may be placed on an appropriate reemployment list at the discretion of the Director.

Section 8. Hearings on Appeal from Allocations:

If an employee believes that his position has been improperly allocated, he may protest the allocation by presenting his reasons therefor upon such forms or documents as the Director may prescribe. The Director or any person designated by him may hold a special hearing, either formal or informal, to determine the facts of each case and the Director shall make his decision on the basis of the written statements and forms submitted by the employee, and on the facts brought out in the hearing.

Section 9. Use of Titles:

The title of each class shall be the official title of every position allocated to the class, for all purposes of having to do with the position as such, and shall be used to the exclusion of all others on all payrolls, budget estimates, personnel forms, provided that any abbreviation or code symbol approved by the Director may be used to designate the class, and, provided further that any other title satisfactory to the appointing authority may be used in official correspondence, and in any other connection not having to do with the personnel processes covered by Article XVIII.

Section 10. Effect of Classification on Payment of Salaries:

(a) No person shall be employed or paid in any position until the class of such position has been determined by allocation of the position by the Director to its appropriate class.

(b) No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated

Section 11. Integrity of Classification Program

Reallocation to a higher graded class shall not be used to frustrate or bypass the competitive procedures of Rule VI with respect to promotional examination, except to correct errors or to provide equity due to gradual accretion of higher level duties or responsibilities not due to planned management action. Employees with authority to assign duties or responsibilities who purposely assign such with the intent of having a particular employee promoted through subsequent classification action shall subject themselves to penalties under Rule II or IX, as appropriate.

Revised 1/91

Civil Service Rule V: Compensation Plan

Section 1. Preparation of Compensation Plan:

The Director, after consultation with appointing authorities, representatives of employee organizations, including union representatives, and such other measures of investigation and research as he shall deem necessary, shall cause to be prepared and submitted to the Commission for approval, prior to its recommendation to the Mayor and Board of Aldermen, a compensation plan in ordinance form for the classified service, providing for uniform scales and rates of pay for all positions of the several classes and

related benefits that are compensation in nature. Each scale of pay shall be determined with due regard to scales of pay for other classes, and to the relative difficulty and responsibility of the characteristic duties of positions of the class, the requirements requisite therefore, the prevailing rates of pay for similar employment outside the City Service, economic considerations, and any other factors that may properly be considered to have a bearing on the fairness and adequacy of the rates of the compensation plan.

Section 2. Content of the Compensation Plan:

The compensation plan, as prepared by the Director, shall include provisions for:

- (a) Scales of compensation for each class providing a minimum and a maximum rate and such other forms and rates of compensation as shall be necessary to meet the needs of the Service.
- (b) The rate at which appointment to a class shall be made.
- (c) The manner in which salary increases and salary decreases shall be made.
- (d) The manner in which salaries of incumbents shall be adjusted upon the adoption of the compensation plan.
- (e) The manner in which allowances for salary in kind, such as food and lodging, shall be computed and applied to the compensation plan.
- (f) The manner in which compensation from more than one source shall be treated.
- (g) Terms and conditions of employment and other benefits that are compensation in nature, such as but not limited to, hours of work, leave, Workers' Compensation, and various insurance and death benefits.
- (h) Any other rules deemed necessary by the Director for the establishment and administration of an equitable compensation plan.

Section 3. Form of Compensation Plan:

The compensation plan, as prepared by the Director, and submitted to the Commission, shall be in the form of an ordinance.

Section 4. Adoption of the Compensation Plan:

The Commission shall, upon receipt of the recommended compensation plan or of proposed amendments thereto, conduct such investigations as it deems expedient and hold a public hearing open to citizens, city employees, representatives of unions and other employee organizations, appointing authorities and other city officials to provide an open forum for free and public discussion of the recommended compensation plan. The Commission shall further confer with the fiscal authorities of the City, namely the Mayor, Comptroller and President of the Board of Aldermen, to discuss the provision of the recommended compensation ordinance. At the conclusion of its deliberations, and after such revisions as it deems necessary, the Commission shall adopt a compensation plan or proposed amendments thereto in ordinance form and submit it to the Mayor and Board of Aldermen for their action.

Section 5. Amendment of the Compensation Plan:

(a) The Director shall, whenever he deems it advisable in the light of changing economic conditions or other factors, and after due investigation as provided for in Section 1 of this rule, prepare a revised compensation plan, or amendment thereto, and present it to the Commission.

(b) The Director shall, at the expressed desire of the Commission, prepare such revised or amended compensation plan. He shall, however, be permitted a minimum period of three months to prepare such revisions.

(c) Such changes, revisions, alterations, or amendments as are finally approved by the Commission pursuant to the procedure set out in Rule V, Section 4 above, shall be submitted to the Mayor and Board of Aldermen for their action.

Section 6. Administration of the Compensation Plan:

Upon the effective date of the ordinance adopting the compensation plan, the Director shall be charged with its administration and enforcement. He shall institute such procedures and establish such means for administration and enforcement of the ordinance as he shall deem necessary to insure the effective operation of its provisions.

Civil Service Rule VI: Tests

Section 1. Requirement for Tests:

The Director shall, whenever vacancies exist within the classified service or in advance of such vacancies as seem likely to occur, prepare or direct the preparation, review, and rating of tests to determine the fitness of applicants for positions in the classified service. No person shall be appointed to a position in the classified service, except as otherwise provided by law and these rules, unless he shall have filed a completed application form as prescribed by the Director, passed the required examination, and been certified for appointment in accordance with these rules.

Section 2. Public Notice:

The Director shall give public notice of each entrance test, at least two weeks in advance of such test, by posting notice of such test on the bulletin board maintained in or near the office of the Department of Personnel and publishing such notice in the official City Journal. When qualified applicants for vacant positions are extremely difficult to recruit, the test may be administered immediately to applicants who meet the entrance requirements and, therefore, the two weeks of advance notice is waived. The Director shall further publicize such tests as deemed appropriate through such media as he may determine best suited to the dissemination of information to qualified applicants for the positions in question.

Section 3. Content of Notices:

Each official notice of a test shall state typical duties and pay of the position in the class for which the test is to be held, the qualifications required, the time, place, and manner of making application for admission to the test, and any other information which the Director considers pertinent and useful.

Section 4. Open Application Period:

Whenever the Director finds that there is a shortage of qualified candidates for classes of positions in which there exists an urgent need for employees or that the needs of the service are best served by an open application period, he may announce, in the public notice of the test, that no time limit has been established for receiving applications and he may receive applications for such period of time as he finds necessary to establish a

satisfactory employment or promotional list. When such satisfactory employment list has been established, no further applications will be received.

Section 5. Type of Test:

(a) The tests of fitness shall be practical in character and designed to measure fairly the relative qualifications of candidates for the positions of the several classes. They shall take into consideration elements of character, education, aptitude, experience, knowledge, skill, physical fitness, and other matters deemed by the Director to be pertinent.

(b) The test components may be written or oral, physical, demonstrations of skill, performance evaluations and/or promotability ratings, the evaluation of training and experience of candidates as set forth in their applications, or by any combination thereof, as decided upon by the Director. Should a combination of these types of tests be used, the Director shall have the authority to assign weights to each section of the tests. The Director may review the test results and either cancel or amend the weights of the examination, as the need requires, if it is discovered that an examination component is psychometrically flawed or in violation of state or federal rules, regulations or law.

(c) The Director may select appointing authorities, supervisors and other suitable persons to assist in the development of examinations. It shall be deemed part of the official duties of all employees so selected to render such service in a confidential manner and, failing to do so, they may be subject to disciplinary action, including dismissal from their office or employment.

Section 6. Admission to Tests:

(a) Applications: All applications shall be made on forms prescribed by the Director. On such forms the Director may require information concerning training, experience, references, and such other information as he deems pertinent, including possession of certificates, licenses, or other evidence of competency required by law. No questions in the application form, nor in any other portion of the test, shall be so framed as to elicit information concerning the race, sex, political, fraternal or religious opinions, affiliations or service of any person. Applicants may be requested to state their race and sex on a separate form for information purposes only to meet the requirements of the federal government.

(b) Review of Applications: Applications are reviewed and applicants who meet the minimum qualifications are invited to compete on the examination. The review is conducted by the Department of Personnel and, when appropriate, other persons knowledgeable about the particular occupational class. The Department of Personnel may limit the number of applicants called for an examination to a group of the best qualified based on an evaluation of experience and training conducted by the Department of Personnel and, when appropriate, other persons knowledgeable about the particular class. Applicants who meet the minimum qualifications but, based on an evaluation of their experience and training, are not among the best qualified candidates will be eliminated or placed in a pending status. Applicants placed in a pending status may be called at a later date if it is necessary to examine additional candidates.

(c) Rejection of Applicants for Lack of Qualifications: The Director may reject the application of any person for admission to tests of fitness, or refuse to test any applicant who is found to lack any of the qualifications prescribed for admission to the tests as announced in the public notice, or who is physically unfit to perform effectively the duties of the class, or who is addicted to the habitual use of alcoholic beverages to excess or to the use of drugs, or who has tested positive for any illegal drug or controlled substance in tests conducted at the direction of the City of St. Louis, or who has been adjudged guilty of a crime involving moral turpitude or infamous or disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has an unsatisfactory work record as a City employee, or who has made false statement of any material fact or who has practiced or attempted to practice deception or fraud in his application or in his tests, or who has otherwise violated provisions of Article XVIII, or these rules.

(d) Failure to obtain the Minimum Rating in the Weighted Portion of Test: The Director may exclude from any further participation in the tests of fitness any person whose rating in one weighed portion of the test is below the level established as passing for that portion of the test, or if all portions of the test have been completed, may declare such applicant as failing in the entire test.

(e) Failure to Pass an Unweighted Portion of a Test: Any applicant who fails to meet the necessary standard to pass an unweighted portion of the test may be excluded by the Director from any further participation in the tests of fitness and may be declared as failing the entire test.

(f) Rejection of Application for Lateness: The Director shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice

of tests, or after a specified number of applications, announced in the public notice of the test, have been received. Such applications, however, may be received and considered if the Director gives public notice, as defined in these Rules, providing for an extension of the time fixed for receipt of applications and giving equal publicity to the new announcement as was given to the original announcement and setting forth thereon the reason for the reopening of the application period. This provision shall not be interpreted to deny the Director the right to establish open application periods and open registers as provided for in Rule VI, Section 4, Section 7(d), and Section 14(a).

(g) Rejection of Application Because of Examination Cancellation: The Director may, in the event that the needs of the service do not require an examination be given after its announcement, reject all applications for the class of position announced. Under such circumstances the Director shall inform each applicant by mail, addressed to his residence as indicated on his application, that the examination has been cancelled and the reason for such cancellation.

(h) Reopened Examinations: An examination for a particular occupational class is identified by a unique examination number. Applicants must successfully compete on each component of an examination to qualify on the examination and have their names posted to the eligible list. The Director may reopen an examination under the same examination number, examine applicants, and add candidates to an eligible list during the life of an examination and eligible list. When an examination is reopened, applicants who have already competed may not take the examination again. However, candidates who were eliminated for failure to meet the experience and/or training requirements but who subsequently meet the requirements when the exam is reopened may be considered again. The Director may grant similar exceptions on other examination components when deemed to be in the best interest of the service.

Any candidate whose name is posted to an eligible list may request that the Director of Personnel also post his name to the promotional list for that class of position, provided the candidate has attained permanent status and otherwise meets all of the requirements for the promotional examination.

(i) Right to Future Consideration: The fact that the application of a candidate has been rejected for admission to tests of fitness for a given class of position shall not in itself be cause for rejecting another application for any other class of position, nor for the same class of position, in the event a new examination is announced at a later date, nor shall such previous rejection be a factor in rating the tests of fitness for any class of position for a candidate. However, the Director may establish limitations on the future

consideration of candidates who have tested positive for any illegal drug or controlled substance in tests conducted as part of the examination for employment.

(j) Rejection on Educational Grounds: The Director, in accepting applications for positions, shall construe liberally any requirements for formal education. However, when experience or other training may be substituted for formal education, it will be so stated on the examination announcement for the class of position. Where such educational qualifications are reflected in necessary registrations such as law, medicine or nursing, or where such requirements are set up as standards for receiving state or federal grants-in-aid, they shall be strictly enforced.

(k) Eligibility for Tests: Tests of fitness for original entrance shall be open to persons who meet the requirements for admission to the tests as established in the public notices therefor, or specified in these Rules. Such requirements may relate to experience, moral character, training, education and other qualifications having to do with the ability of the person to perform duties entailed in the class of position for which the examination is being held. Such requirements shall not relate to race, color, national origin, political or religious affiliations or beliefs, sex, age or physical disability, except when specific sex, age and physical requirements are bona fide qualifications for positions.

Section 7. Conduct of Test:

(a) Establishment of Procedures: The Director shall establish the procedures to be used in conducting the examination of candidates and shall devise safeguards which, so far as is possible and practicable, shall conceal the identity of candidates from examiners or other persons engaged in scoring, marking, or otherwise rating the candidates. The tests shall be conducted in as many locations as the Director may find necessary. The Director may designate monitors to take charge of examinations under instructions prescribed by him, provide for their pay, and make arrangements for the use of public buildings in which to conduct such examinations. The Director may disqualify any competitor for failure to comply with the procedures and regulations established by the Director for conducting the examination.

(b) Use of Municipal Employees: The Director may select suitable persons in the service of the City, with the consent of the appointing authorities under whom such persons serve, to act as examiners under his direction. It shall be deemed part of the official duties of all employees so selected to render such services without extra compensation therefor.

(c) Offices and Facilities: It shall be the duty of all employees of the City to allow the reasonable use of public buildings, and to heat and light them as conditions require, for holding examinations and in all other ways to facilitate the holding of such examinations.

(d) Time of Tests: Competitive tests for positions in the classified service shall be given as soon as possible following the closing date of the application, except that when an open application period has been announced each candidate may be tested as soon after his application has been received as the Director deems advisable.

(e) Military Experience: Experience gained in military service shall be properly evaluated and considered in determining the qualifications of candidates for positions to which such experience is relevant.

Section 8. Competitive Tests:

All original entrance tests for positions in the classified service shall be truly competitive in character and no provisions for noncompetitive tests for original appointment to the City service shall be permitted.

Section 9. Promotional Examinations:

(a) Competitive: Competitive examinations shall be held for those employees or former employees who are available and whose names appear on the reemployment from layoff list, to determine which employees with permanent or career-seasonal status shall be advanced or returned from layoff to fill a vacancy in a higher competitive class, except when such vacancies are filled by demotion, transfer, reassignment, reinstatement, reemployment from layoff, or reemployment.

(b) When to be Held: Promotional examinations shall be deemed to be practicable whenever there are qualified employees with permanent or career-seasonal status or former employees whose names appear on a reemployment from layoff list who are willing to compete.

(c) Type: Promotional examinations shall be based on the same standards of required qualifications as original entrance tests for the same class and may include a promotability rating by the employee's current supervisor or last supervisor prior to layoff as part of the examination.

(d) Use of Service Ratings: Service ratings received by employees as provided in Rule X shall constitute a factor in promotional examination and the weight to be given such factor shall be determined by the Director.

Section 10. Scoring of Examinations:

Normal scoring procedures shall be employed in processing examination papers and each applicant shall complete the examination papers, including the answer sheet, in accordance with the instructions set forth at the time the examination is administered. The applicant is responsible for completing the examination papers in accordance with the instructions provided. When an adverse effect results from the improper completion by the applicant of a part of the examination, the test results shall stand unchanged without the benefit of subsequent changes. An employee who is a promotional candidate who successfully passes an examination for a position in the classified service will receive a preference of five (5) points on a scale of one hundred (100) points on such competitive examinations. To receive the five-point (5) preference, candidates must have promotional status as defined in these Rules.

Section 11. Notice of Test Results:

Each person competing in any test shall be given written notice of his final earned rating. He shall also be given written notice of his relative standing on the employment list and/or the promotional list or of his failure to attain a place on the eligible list.

Section 12. Review of Test Results:

Each person competing in a test shall, during the business hours of the Department and within ten (10) calendar days after the date of mailing of notice of the results, be permitted to inspect his ratings and test papers that do not contain confidential test material, at the office of the Department under such conditions as the Director may prescribe. Such test papers, ratings or other submitted work shall be open to other persons only at the discretion of the Director.

Section 13. Appeals:

Candidates may appeal to the Director for correction of their ratings at any time during the ten (10) calendar days immediately following the publication of test results. Such appeals must be made in the form prescribed by the Director.

Section 14. Corrections:

If, after examination of the appeal filed by any candidate, the Director finds that any manifest error existed in rating, scoring or computation of the result, he shall make the required correction and place the name of the person on the list in its correct position by virtue of the correction. Such correction, however, shall not invalidate any appointment previously made from such a list.

Section 15. Establishment of Eligible Lists:

(a) Employment Lists: From the results of tests for any class after each original entrance examination, the Director shall cause to be prepared an employment list for the class, with the names of those persons who have met the minimum requirements imposed for each test and who have received the rating required for eligibility, placed thereon in the order of such rating from the highest to the lowest. Whenever two or more candidates have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, their names shall be arranged on the list in the order established by the Director taking into account all the factors that have a bearing on the matter and that are necessary to be considered to achieve fairness and equity in resolving the tie. When such a list is prepared in the course of an open application period as provided in Rule VI, Section 4, and as a result of tests conducted under the exception provided in Section 7(d), the names of eligibles shall be incorporated in the list from time to time, as soon as they have completed the test process and their final earned ratings have been determined. Candidates for employment shall indicate at the time of examination their eligibility for and interest in appointment to permanent positions, per performance positions, limited-term positions and career-seasonal positions. Employees with permanent status in a permanent position who are on employment lists and who have been laid off for reasons not discreditable to them and who are eligible for reemployment from layoff shall remain on the employment lists for the life of the lists and shall be eligible for certification in the same manner as if they were currently employed.

(b) Reemployment Lists: Any person who had permanent status and who held a permanent position in the classified service from which he resigned in good standing shall be entitled to have his name placed on a reemployment list for certification to vacancies in the classified service, provided he so requests in writing within two (2) years from the date of his resignation. An exception to this two year limit shall exist in the case of an employee granted disability retirement who has such benefits withdrawn due to medical rehabilitation or an employee terminated after a workers' compensation

injury of indefinite duration who becomes medically rehabilitated, subject to proof of medical rehabilitation by medical examination. The name of each person shall be placed on the reemployment list that is considered most appropriate by the Director. The order in which such names are arranged on each reemployment list shall be determined by the Director and shall take into consideration the service ratings obtained by former employees while in the service, the length of their previous City service, and the conditions surrounding their separation from the service.

(c) Reemployment from Layoff Lists: Any person who had permanent status in a position in the classified service and has been laid off for reasons not discreditable to him shall have his name placed on an appropriate reemployment from layoff list. The order in which such names are arranged on each reemployment from layoff list shall be determined by the Director and shall take into consideration the service ratings obtained by the former employees while in the service and the length of their previous City service.

(d) Promotional Lists: After each promotional examination, the Director shall prepare and keep available a promotional employment list of persons successfully passing the examination, arranged in order for final weighted ratings received. Whenever two or more persons have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, the order on the list shall be the same order as the date of their original appointment. Employees with permanent status in a permanent position who are on promotional eligible lists and who have been laid off for reasons not discreditable to them and who are eligible for reemployment from layoff shall remain on the promotional eligible list for the life of the lists and shall be eligible for certification in the same manner as if they were currently employed.

(e) Applicant Qualifications: Applicants who do not meet all the qualification requirements may be examined and have their names posted to an eligible list when the Director has determined that such action is necessary for the effective recruitment of qualified candidates for positions with advanced professional or technical qualifications. However, any applicant who is posted to an eligible list under these conditions must demonstrate completion of all qualification requirements prior to certification and appointment from the eligible list.

Section 16. Duration of Lists:

(a) Employment lists shall remain in force for the period of two (2) years unless previously exhausted or cancelled. The Director may cancel an eligible list when, in his judgment, the good of the service is served. No list, however, shall be cancelled sooner than six (6) months after the date of establishment.

(b) The life of an employment list may be extended beyond the original two-year period by the Director when continued use of the employment list is deemed to be in the best interest of the service. The Director shall specify the period of extension of the employment list and its amended expiration date.

(c) The names of persons on a reemployment list shall be removed therefrom two (2) years after the date of resignation from their position, excluding other subsequent appointments.

(d) Persons on a reemployment from layoff list shall remain on the list two (2) years after the date of their separation from the position.

Section 17. Consolidation of Lists:

If, in the opinion of the Director, the needs of the service require that an examination be held for a class of position for which an employment list already exists, prior to the expiration period he may consolidate the existing list with the list established as a result of the new examination when the content of the new examination is substantially the same as the original examination. In those cases that meet the criteria stated above, the names of persons remaining on the old list shall be placed on the new list in accordance with their previous rating as though they had taken the new examination, but such names shall be removed from the list at the expiration of the original two (2) year period. Should such persons on the original list elect to take the new examination, their names shall be placed on the list in accordance with the new rating, if it is higher than the old; if it is lower, the higher rating will be used in the same fashion as if they had not taken the examination, and upon the expiration of the time limit, such names shall be removed as described above and replaced in accordance with the new rating achieved. However, the provisions of this Section 17 shall not be construed to enable any candidate to take the same examination more than once. A new examination for the same class of position is identified by the use of a new examination number of the examination announcement.

Section 18. Removal of Names from Lists:

Names of eligibles may be removed from an eligible list for any of the following reasons:

- (a) Refusal of the eligible to accept appointment that is offered under conditions previously indicated by the eligible as acceptable.
- (b) Refusal of the eligible to accept certification and interview, on three (3) separate occasions, for positions in which the eligible had expressed interest and availability.
- (c) Appointment through certification from such list to fill a permanent position.
- (d) Failure to receive appointment after three (3) certifications wherein an appointment is made from each certification.
- (e) Appointment through certification from the eligible list for another class at the same or higher compensation.
- (f) Appointment through certification from the eligible list for another class at a lower level of compensation with the option of being restored to the list, with the approval of the Director, for certification to a specific position for which he is eligible.
- (g) Filing of a statement by the eligible that he is not willing to accept appointment. Such statement of unwillingness may be restricted to a limited period of time or positions involving other conditions of employment as specified. The name of the eligible shall then be treated as not available and shall be passed over in certification to fill the vacancy under the condition specified, as though such name did not appear on the list. Any eligible filing such statement of unavailability may renew his eligibility at any time during the life of the eligible list by filing a new statement as to the time, place or other conditions under which appointment will be accepted.
- (h) Failure to respond, within the time specified in the notice, to any inquiry of the Director or appointing authority concerning availability for employment.
- (i) Failure to report for work after accepting appointment.
- (j) Expiration of the term of eligibility on an eligible list. In the case of a list consolidated with a later one, the names on the consolidated list resulting from the earlier

examination shall be removed from the combined list at such time as the original list would have ceased to exist had it not been so combined.

(k) Notice by postal authorities of their inability to locate the eligible at his last known address.

(l) Death of the eligible.

(m) Discovery by the Director that the eligible lacks any of the qualifications prescribed as requirements for admission to the test for the class for which he has applied, or that he is physically unfit to perform effectively the duties to the class, or that he has tested positive for any illegal drug or controlled substance in tests conducted at the direction of the City of St. Louis, or that he is addicted to the habitual use of drugs or of intoxicating liquors to excess and which would adversely affect his work, or that he has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct, or his work performance in either previous public or private employment has been found to be unsatisfactory, or that he has been dismissed or forced to resign from the public service or private employment for inefficiency, delinquency or misconduct, or that he has made false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or in his tests or otherwise in securing eligibility for appointment.

(n) Upon determination by an appointing authority that an eligible is either unsuitable or unqualified for appointment either in the classification covered by the examination or for the City service, based upon information either unavailable to the Director at the time of the examination or not properly considered, and approval of such application by the Director.

Section 19. Examinations for Licenses:

The Department of Personnel, by agreement with any other department or other agency of the City government, may conduct examinations to determine the qualifications of applicants for licenses issued by such department or other agency, and certify the results thereof, subject to reimbursement of the reasonable costs of such service by transfer from the appropriations for the agency served to those of the Department of Personnel. Upon receipt of any such request from any other department or other agency of the City government, the Director shall investigate and report to the Commission his recommendations as to whether or not the Department of Personnel should enter into such agreement, but no such agreement shall be entered into, or if

entered into, continued, if it shall be determined that it interferes in any way with the primary functions of the Department of Personnel.

Section 20. Obstructing Right of Examination, False Representation, and Impersonation in Examination Forbidden:

No person shall willfully, by himself or in cooperation with any other, defeat, deceive or obstruct any person in respect to his rights in relation of any tests of fitness or appointment to any position under the provisions of Article XVIII and any rules or ordinances made thereunder, or shall willfully and falsely mark, grade, estimate or report upon the test of fitness or proper standing of any person tested or certified pursuant to the provisions of Article XVIII or the service ratings of any employee, or aid in so doing, or shall willfully make any false representation concerning the same or concerning any person tested, or shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person in connection with any test or appointment, or shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any test or appointment or application or request to be examined.

REV.9/15/93

REV.2/07

Civil Service Rule VII: Certification and Appointment

Section 1. Types of Appointments:

Vacancies in the classified service shall be filled either by original appointment, temporary appointment, limited term appointment, term appointment, re-employment, promotion, reassignment, detail, reemployment from layoff, transfer, or demotion. Appointing authorities may indicate which of these methods they would prefer to have employed in each instance, but final decision shall rest with the Director.

Section 2. Request for Certification:

Whenever an appointing authority desires to fill a vacancy in a position in the classified service, notification shall be submitted to the Director on a form prescribed by him. The form shall provide for a statement of the title and duties of the vacant position, the desirable qualifications, the reason that an appointment is desired, and such other pertinent information as the Director may prescribe. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to determine

who may be available for appointment, and if necessary, to establish a class, and to establish a list of eligibles.

Section 3. Certification of Eligibles:

(a) The Director shall, subject to these rules and Article XVIII, upon notification of a vacancy, certify to the appointing authority the names of the highest six available eligibles on the list deemed most nearly appropriate by him, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. With the approval of the Director of Personnel, the appointing authority may specify certain special qualifications of the person to be certified as he deems desirable for the satisfactory performance of the duties of the position. In such cases, only those eligibles possessing the special qualifications in addition to the minimum qualifications required for the class shall be certified.

(b) Order of Certification: Former employees who had permanent status at time of layoff and who are on the reemployment from layoff list shall be appointed to the position from which they were laid off, if it is reestablished within two (2) years, or to the first vacancy that occurs in the class of position from which they were laid off under their former appointing authority. The normal order of certification shall be the highest ranking eligibles willing to accept employment, ranked in the following order: first, all the eligibles on the reemployment from layoff list, if any; secondly, all eligibles on the appropriate employment list and lastly, all eligibles from the appropriate reemployment list. The Director of Personnel can determine a different order of certification if he deems it to be in the best interest of the City. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists, if necessary to make a certification of six (6) eligibles.

(c) Fewer Than Six (6) Eligibles: If the appropriate lists do not contain the names of a sufficient number of eligibles to comprise a full certification, the Department of Personnel will certify those candidates who are available in the manner described in (b) above. If the appointing authority is unable to fill the vacancy from the list provided, the appointing authority shall notify the Department of Personnel of the need for additional eligibles and/or may request the Director of Personnel for permission to make a temporary appointment to fill the vacancy.

(d) Certification to Two or More Appointing Authorities: Successive groups of names of eligibles shall be certified to vacancies in order of receipt of requisitions for employees

with due regard to the rights of eligibles standing highest on the list; provided, however, that this section shall not require simultaneous certification of the same name in different certifications made at the same time.

Section 4. Appointment:

The appointing authority or his designee shall interview each available eligible who is certified. Within twenty-one (21) days after such names are certified, the appointing authority shall appoint one of those whose names are certified to each vacancy he or she is to fill. In the event that an appointment is not made to the position within twenty-one (21) days after such names are certified, or the appointing authority is unable to make a selection, the Director of Personnel may grant an extension of a maximum of an additional thirty (30) days. If no selection is made within the prescribed or authorized period, the certification shall be null and void. Appointing authorities shall make each selection from the top six eligibles available and willing to accept appointment, except,

1. any eligibles who have had six considerations for appointment from the same certification may be considered removed from further consideration if the appointing authority so desires as if their names were removed from the certification, or
2. their names are removed from the eligible list during the effective period of the certification in accordance with Civil Service Rule VI, Section 18. Certification for appointment from the same certification shall mean that an eligible is within the top six candidates available for appointment for six different vacancies to be filled from the certification. In each case of acceptance of an appointment, such appointment shall become effective as of the date on which the appointee enters upon duty, and the appointment shall be immediately reported to the Director of Personnel in the form prescribed by him. The appointing authority shall notify each eligible of the results of the certification process. However, any person appointed from an eligible list may, at the discretion of the Director and with the approval of the appointing authority, report for duty beyond the date normally established when circumstances warrant this action.

Section 5. Career Seasonal Appointment:

When it is determined that a vacancy exists in a career seasonal position which is permanent in nature, but for which services are only required on a seasonal or cyclical basis, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as

described in Section 3, part (a) of this rule. Such names shall represent the highest six eligibles who are willing to accept employment in a career seasonal position.

(a) Status: Any employee appointed to a career seasonal position in the classified service shall serve in a working test period as defined in Rule VIII. However, any employee who has served in the same position in a temporary or limited term appointment prior to such certification may, upon recommendation of the appointing authority and the approval of the Director, have this prior service considered as part of the working test period.

Employees who do not complete the working test period prior to being placed on seasonal leave shall be given credit for the initial period of service toward completion of the working test period. Career seasonal employees who successfully complete a working test period are eligible to compete in promotional examinations as prescribed by Rule VI.

(b) Conversion to Career Seasonal Status: Any employee who, at the time of adoption of this rule, is serving in or on leave from a limited term or per performance position which is career seasonal in nature as defined by these rules, may be converted to career seasonal status by the Director under such regulations he may prescribe.

(c) Transfer Eligibility: Career seasonal employees are eligible for transfer to permanent positions in the same occupational class when approved vacancies exist under such regulations the Director may prescribe. Transfer to permanent positions under a different appointing authority shall be in accordance with the provisions of Rule VII.

(d) Appointments: Appointments to a career seasonal position shall be made from such eligible lists as the Director deems appropriate or as in paragraph (b) above.

Section 6. Term and Limited Term Appointment:

Term appointments shall be made from eligible lists established for this purpose or from eligible lists for regular competitive appointment consisting of names of persons willing to accept term appointment in the same manner as described in Rule VII, Section 3, part (a) of these Rules. Persons under term appointment shall be eligible to compete in promotional examinations and for transfer to continuing positions with status as permanent employees in accordance with Rule VII, Section 8, provided they have passed a working test period and possess a current service rating deemed satisfactory under the Director's Service Rating System. Term appointments shall be used only for

bona fide situations in which the services of employees are required for only a definite duration and not as an alternative to career appointments. The Director shall not permit an appointing authority to make any more than five percent in his/her total appointments as term appointments without approval of the Commission. In no case in which an appointing authority holds a term of office shall he/she make a term appointment of any individual coincident with his/her term, unless it is to fill his/her former position when on leave of absence from the competitive service to accept appointment in the excepted service.

Whenever it is determined that a vacancy exists in a position which will exist for a limited period of time only, not to exceed one year, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as described in Rule VII, Section 3, part (a) of these rules. Such names shall represent the highest six eligibles who are willing to work for a limited term. A person appointed for a limited term may gain permanent status only when the individual so appointed is eligible for certification, in regular order, to a permanent vacancy.

Section 7. Temporary Appointments:

Temporary appointments without competitive tests, to competitive positions, may be made as further provided in these rules, for a period of time not to exceed six (6) months. Such temporary appointment may, with approval of the Director of Personnel, be extended for a period not to exceed three (3) months. Such temporary appointments shall include provisional appointments in the absence of available registers containing six (6) viable candidates, pending establishment of eligible registers and certification and appointment therefrom, transient appointments for short jobs of work, and emergency appointments pending filling of vacancies by other means than such emergency appointments.

(a) Provisional Appointments: When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the appointing authority, with the prior approval of the Director, may make provisional appointment of any person he deems qualified. The provisional appointment may be an original appointment or a provisional promotion of a person with permanent status in the same or a lower level position.

(b) Termination of Provisional Appointment: Any provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized by Article XVIII and

these rules, and in any event within twenty-one (21) days after certification of eligibles has been made to the appointing authority for the vacancy.

(c) Transient Appointments: Whenever the services of an employee are required in any position in the classified service for a period of less than sixty (60) days beyond which such services will not be required, the appointing authority, with the prior approval of the Director, may make a transient appointment of any person he deems qualified, to serve for the required period.

(d) Emergency Appointment: In the event of an emergency which may result in loss of public property or serious inconvenience to the public, an appointing authority may select and appoint a person without regard to the rule governing appointments but in no case shall such emergency appointment continue longer than twenty (20) working days. Excessive emergency appointments shall not be made, and no person shall serve under emergency appointments longer than twenty (20) working days in any twelve (12) month period. The Director, however, may, under the terms of these rules permitting provisional appointments, allow the appointing authority to make a provisional appointment of the same person to the position. The total duration of such appointments, both emergency and provisional, shall not exceed sixty (60) days nor be extended nor renewed beyond that time. The authority for such appointments is conditioned on a prompt report thereof to the Director at the time such appointment is made.

(e) War Service Appointments: As an emergency measure, at the discretion of the Director, appointments to positions in the classified service may be made for a period of time not to exceed the duration of the war and not to exceed six (6) months thereafter. Such appointments shall be made only to those classes of position for which a sufficient number of fully qualified applicants is not available to allow the application of regular recruitment and selection procedures. Before authorizing such appointments in any class of position, the Director shall notify the Commission of his reasons for such authorizations.

1. Evidence of Fitness: In making war service appointments, the Director may require applicants to present such evidence of their ability, proficiency, or physical condition as he may deem necessary to comply with the requirements of Article XVIII concerning competition in appointments.
2. Termination of War Service Appointments: Any war service appointment shall terminate upon the regular filling of the vacancy from an appropriate eligible list as authorized by Article XVIII and these rules, and in any event at the expiration of six (6) months after the duration of the war.

Section 8. Transfers:

An appointing authority may, at any time, transfer any classified employee under his jurisdiction from one position to another position in the same class by giving written notice to the Director before the effective date thereof. Transfer of a classified employee from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made with the approval of the Director and the appointing authorities' consent, provided the positions are in the same class or a similar class requiring no additional or different tests of fitness and having the same pay grade. Any transfer of an employee from a position in a lower class to a position in a class carrying a higher pay grade shall be deemed a promotional appointment and may be accomplished only in the manner provided in these rules for making promotional appointments. Any transfer from a position in a higher class to a position in a lower class shall be deemed a demotion, and may be effected only in the manner provided in these rules for making demotions. No person shall be transferred from a position in the unclassified service to a position in the classified service; nor shall any person be transferred from an excepted position in the classified service to one for which competitive tests of fitness are required for entrance to the class.

Section 9. Procedures for Certification and Appointment:

The Director shall institute procedures for processing certifications and appointments, notifying eligibles, determining the availability of eligibles and for carrying on all of the activities involved in such personnel transactions.

Section 10. Non-Competitive Conversion to the Classified Service:

(a) Noncompetitive Conversion: When the City of St. Louis lawfully acquires or assumes responsibility for the management and operation of any governmental or quasi-public agency, public utility or nonprofit service organization, or any component or subgroup thereof, all persons who are employed by the acquired organization may be granted a noncompetitive conversion to the classified service, as provided by this Rule VII.

(b) Status of Incumbents: All persons who are converted to the classified service through noncompetitive conversion as provided in this rule are entitled to continue to serve therein with the status and rights provided in Article XVIII of the Charter of the City of St. Louis and these rules, provided that the employee legally occupied the initial position by regular appointment.

1. Persons serving in temporary or limited term positions or their equivalent will be entitled to continue to serve for the period of time specified upon original appointment;
2. Persons serving in a probationary period will be given credit for service completed prior to noncompetitive conversion toward fulfilling the requirements established in Rule VIII.
3. Any employee who is granted a noncompetitive conversion to the classified service will be credited for prior cumulative service in accordance with the provisions of these Rules and the City's Compensation Ordinance. Such prior service will be recognized for purposes of salary and leave administration, order of layoff and other personnel transactions.

(c) Employee Relations:

1. Effective on the date of conversion to the classified service, any previously negotiated contracts or memoranda of understanding between employees and (previous) employers will be deemed null and void. The right of employees to meet and confer is prescribed by the Missouri State Board of Mediation Law and Rule XVIII.
2. Upon noncompetitive conversion to the classified service all previously existing conditions of employment, whether stated or implied, will be deemed null and void.

(d) Classification and Salary Administration: The pay grades and bi-weekly salary tables established by the City's Compensation Ordinance for the classified service will apply to all positions and employees converted to the classified service. Prior to the conversion of any position to the classified service, it will be allocated to the appropriate class by the Director of Personnel in accordance with the provisions of Article XVIII of the City Charter and Rule IV.

1. Employees who are being compensated at a rate which is below the minimum of the range for the class and grade to which their positions have been allocated will be adjusted to the minimum of the correct salary range.
2. Employees who are presently paid within the appropriate salary range for the class and grade to which their positions have been allocated will receive no salary adjustment by virtue of conversion to the classified service.
3. Employees who are being paid above the maximum of the salary range for the class and grade to which their positions have been allocated will have their salaries frozen until the appropriate salary range surpasses the current salary rate, provided such salary has been in effect for at least six months. Any

subsequent salary adjustments must be in keeping with the City's Compensation Ordinance.

4. No employee will have his or her salary reduced by virtue of conversion to the classified service of the City of St. Louis.

(e) Paid Leave Benefits: Upon conversion to the classified service employees will begin eligibility for the accrual and use of paid leave benefits as prescribed by the City's Compensation Ordinance. Accrual rates for vacation leave will recognize length of continuous service with the acquired agency or jurisdiction.

1. Existing vacation leave and sick leave balances which have been documented and verified by the appointing authority and are consistent with the Compensation Ordinance will be transferred to the official records of the City of St. Louis when the employee converts to the classified service within the limits of the Compensation Ordinance. Records of paid leave benefits may be audited by the Director of Personnel and adjusted as needed when adequate documentation of accrued benefits does not exist or benefits are inconsistent with the Compensation Ordinance.
2. Any compensatory time balance which has been accrued by an employee must be used or paid to the employee prior to conversion to the classified service.

(f) Compensation: All other forms of compensation and benefits authorized by the City's Compensation Ordinance but not specifically cited in parts (d) and (e) above shall be provided to employees who are converted to the classified service in accordance with the terms of the Ordinance.

(g) Performance Appraisal: All employees who are converted to the classified service shall be subject to the provisions and schedules for performance appraisal which are established in Rule X and the City's service rating manual(s). Employees may receive Interim service ratings sixty days following the date of conversion to the classified service, except as otherwise provided by the service rating system.

(h) Staffing:

1. Appropriate staffing levels will be determined for any governmental or quasi-public agency, public utility or nonprofit service organization which is converted to the classified service by the appointing authority (subject to appropriation of funds by the Board of Estimate and Apportionment and the Board of Aldermen). Staffing levels may be reviewed by the Director of Personnel in accordance with the provisions of Article XVIII of the City Charter and Rule VII.

2. Employees who are converted to the classified service will not be laid off or terminated except under the conditions prescribed by Article XVIII of the City Charter and these Rules.

(i) Conversion:

Conversion to temporary or limited-term appointment shall be granted by the Director of Personnel upon application by the appointing authority and certification that the employee was occupying a temporary or limited-term position upon date of conversion.

1. Conversion to competitive appointment shall be granted by the Director of Personnel upon certification by the appointing authority that the employee(s) occupied his (their) position(s) upon date of conversion and had continually occupied (his) their position(s) for six months or other period of time as stipulated by the City's service rating system for successful completion of a working test period.
2. Conversion to competitive probationary appointment shall be made by the Director of Personnel upon certification by the appointing authority that the employee(s) occupied his (their) position(s) upon date of conversion and the exact number of days they had served in their probationary period. The appointing authority may then determine that such employee(s) have passed in their probationary period after serving the number of days required by these rules and being certified by their appointing authority for conversion to career status in the same form as for other competitive appointees.
3. The conversion provisions of this Rule VII shall not apply to any person employed on a contractual or consulting basis who is not a bona fide employee of a governmental or quasi-public agency, public utility or nonprofit service organization which is acquired by the City of St. Louis.
4. Conversion shall be made in the form the Director will prescribe and the Director or his designee shall certify the conversion of each employee. The Director shall report the names of any employee(s) converted to competitive appointment as a permanent employee to the Commission at its next regular meeting.

Section 11. Non-Essential Positions:

The Director shall prepare and, from time to time, revise a list of those positions deemed to be nonessential for the effective administration of the City's affairs. Such list shall show the department in which the position exists, the class title of the position, and the name of the incumbent. Whenever an appointing authority shall submit a request for certification to fill a vacancy in the same class of position as one of those deemed non-essential, the Director shall arrange to transfer the incumbent thereof to fill the

vacancy. Whenever an incumbent in a position deemed non-essential is separated from the service, the Director shall not certify any eligible to fill the vacancy.

REV.12/93

Section 12.

(a) Article VII, Section 6 of the Missouri Constitution provides that "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree of consanguinity or affinity, shall thereby forfeit his office or employment."

(b) No person in the classified service shall be transferred, appointed, promoted or by any other means placed in a position whereby they would be directly supervised by any relative within the second degree of consanguinity or affinity. This will not apply to temporary appointments, assignments or details of less than thirty days. The Director shall not knowingly certify any applicant, or approve any personnel action, which may result in a violation of the foregoing provisions. Appointing authorities shall not knowingly take such actions.

REV.7/96

REV.2/07

Civil Service Rule VIII: Working Test

Section 1. Working Test:

Every person appointed to a permanent or career seasonal position in the classified service after certification of his name from an eligible list shall serve a working test period of probation while occupying such position, which shall be considered a part of the test of fitness; provided, however, that employees who have served in the same position in a temporary or limited-term appointment prior to such certification may, upon the recommendation of the appointing authority and the approval of the Director, have this prior service considered as part of their working test period. Persons on reemployment from layoff eligible lists who are returned to their former position or to a position with the same class title under the same appointing authority shall return to duty with permanent status and will not be subject to a new working test period of probation.

Section 2. Duration of Working Test:

The period of such working test period shall commence immediately upon entrance to the position and continue until the conclusion of the working test period. The normal length of the working test period shall be six (6) months. Shorter or longer working test periods may be established for individual cases or for certain classes. In no instance will working test periods be shorter than three (3) months, and extensions may be granted up to a total working test period of eleven (11) months. The appointing authority should request an extension of the working test period if additional time is needed to observe the employee's performance. Such requests must be submitted in writing to the Director within thirty (30) days of the end of the established working test period.

Section 3. Interruption of Working Test:

(a) If an employee is laid off during the working test period and subsequently reappointed by the same appointing authority to the same class of position, he shall be given credit for the portion of the working test period previously completed.

(b) If an employee is transferred during his working test period from a position under one appointing authority to a position under another appointing authority, the second appointing authority may, if he wishes, permit the granting of credit for the portion of the working test period previously completed, or request a new working test period from the effective date of the transfer.

Section 4. Evaluation of Employee Performance During Working Test Period:

At such times during the working test period and in such manner as the Director may require, the appointing authority shall report to the Director his observation of the employee's work, and his judgement as to the employee's willingness and ability to perform his duties satisfactorily, and as to his habits and dependability.

Section 5. Removal of Employee During the Working Test Period:

(a) At any time during the working test period after completion of the first thirty (30) days of such period, the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that such employee is unable or unwilling to perform the duties of his or her position in a satisfactory manner or that the employee's habits, dependability, and willingness to undertake and learn the duties of the position do not merit his or her continuance in the service. Upon such removal, the appointing authority shall immediately report to the Director and to the employee removed the action and that the employee has failed the working test period.

(b) Limitation on number removed during working test period: No more than three (3) persons shall be successively removed from the same position during their working test periods without the approval of the Director.

(c) An employee in the competitive service during the first thirty (30) days of service may be removed for just cause, or for reasons that are set forth in Rule IX, Section 3 of these rules, or for abandoning their position, provided in the latter case that they have not reported for at least seven (7) days.

Section 6. Retention of Employee After Working Test Period:

Within thirty (30) days of the expiration of the employee's working test period, the appointing authority shall notify the Director, in writing and in the form designated by the Director, either:

(a) that the services of the employee were satisfactory and that the employee will continue in the position;

(b) that the services of the employee were unsatisfactory and that the employee will not continue in the position; or

(c) that the appointing authority wishes an extension of the working test period and will continue the employee in the position for an additional period not to exceed eleven (11) months from the date of appointment; if the extension is granted, a copy of such notice shall be given to the employee.

Upon approval by the Director of a favorable report, the appointment of the employee shall be deemed to be complete at the expiration of the working test period and the employee shall be deemed to be a regular permanent employee, subject to removal only on the basis of merit and fitness and need for the continued services rendered by the position. Failure by the appointing authority to give such notice to the Director within thirty (30) days of the termination of the working test period shall have the same force and effect as affirmative action on the part of the appointing authority in granting to the employee permanent status in the position and the Director shall so notify both the employee and the appointing authority.

Section 7. Restoration to Employment List:

If any employee is removed from his position during the working test period, and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If such employee was a regular employee with permanent status in another position in the classified service immediately prior to his appointment, and was appointed to the new position as a result of a promotional examination, he shall be restored to his original position, or to a position in the same class that is under the appointing authority prior to promotion, even if it is necessary to lay off the person who is currently occupying the position or a person occupying the same class of position, provided they would not have been laid off if they had remained in their original position.

Section 8. Term Employment:

Whenever it is determined that a vacancy exists in a position which will exist for a limited period of time only, but in excess of one year, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as described in Rule VII, Section 3, part (a) of these Rules. Such names shall represent the highest six eligibles who are willing to work for a limited term.

(a) Status. Any employee appointed to a term position in the classified service shall serve in a working test as defined in Rule VIII. After successfully passing a working test period they shall have right of appeal to the Commission from any personnel action except for reason of termination upon expiration of term of position. They shall also have the right to compete in promotional examinations as prescribed by Rule VI.

(b) Transfer Eligibility. Term employees are eligible for transfer to permanent positions in the same class when approved vacancies exist under such regulations the Director may prescribe. Transfer to permanent position under a different appointing authority shall be in accordance with the provisions of Rule VII.

(c) Appointments. Appointment to a term position shall be made from such eligible list as the Director may prescribe.

REV.9/15/93

REV.2/07

Civil Service Rule IX: Separation and Disciplinary Actions

Section 1. Tenure:

Every employee who is legally appointed as a result of certification from an appropriate eligible list and who successfully completes his or her working test period shall have indefinite tenure of employment in the classified service during meritorious service.

Section 2. Layoffs:

Whenever there shall be no further need for employment in any position because of a stoppage of work, lack of work, or lack of available funds or for any other reason, such position may be abolished and regular employees and employees with permanent status in the classified service may be laid off without pay, despite any provisions of the rules concerning tenure. The Director shall establish procedures for such layoffs.

Employees with permanent status who are laid off and who have a satisfactory service rating as defined by the Director, shall be reappointed and restored to the position they occupied at the time of layoff or to a position in the same class under the same appointing authority without a new working test period if their position is reestablished within two (2) years from the date of their layoff. All employees with permanent status who are laid off and have a satisfactory service rating as defined by the Director shall have their names placed on an appropriate reemployment from layoff list in the order established by the Director. All former employees on reemployment from layoff lists and also those on reemployment lists who have resigned in good standing in lieu of layoff for reasons not discreditable to them shall be given priority in referral to vacant positions in other agencies. In every case of layoff, the appointing authority shall give written notice of his proposed action to the Director and shall certify therein that the layoff is for reasons not reflecting discredit on the employee and shall designate the classes of positions and the number of positions in each class so designated that shall be laid off. The appointing authority shall withhold notification to the employee of his layoff until he has prior approval from the Director. In cases where the appointing authority refuses or fails to so certify, the action shall be deemed a dismissal and shall be so treated.

Section 3. Disciplinary Action:

Employees in the competitive service may be dismissed, demoted, reduced in pay, suspended without pay, or reprimanded for just cause.

(a) Appointing authorities may take one of the following disciplinary actions for just cause:

1. Reprimand the employee.

2. Suspend the employee without pay for a period not to exceed twenty-eight (28) calendar days. Suspension of a Fair Labor Standards Act exempt employee shall be governed by the Fair Labor Standards Act and appropriate regulations.
3. Reduce the pay of the employee to a lower rate within the range of pay provided for the class of position in accordance with provisions in the compensation ordinance then in effect. A Fair Labor Standards Act exempt employee cannot be reduced to a lower rate within the range of pay provided for the class.
4. Demote the employee to a class of position in which, in the opinion of the appointing authority, the employee will be able to function successfully.
5. Dismiss the employee from the City Service.

(b) Employees in the competitive service who have not attained permanent civil service status may be removed or otherwise disciplined and shall not have right of appeal in accordance with Rule XIII.

Section 4. Procedure in Disciplinary Actions:

(a) Reprimand: The appointing authority shall notify the Director of Personnel, in the manner and form prescribed by him, whenever an employee is issued a written reprimand. Such written reprimand shall be placed in the employee's official Department of Personnel employment file.

(b) Suspensions without pay and reductions in pay: The appointing authority shall notify the Director, in the manner and form prescribed by him, whenever any employee is suspended or reduced in pay indicating the reasons therefor and the duration of the suspension or reduction in pay and such action shall not be revocable by the Director, except in instances when such actions are not in compliance with the provisions of the Charter and ordinances and these rules. Suspensions shall not exceed twenty-eight (28) calendar days for any one offense and suspensions shall not total more than twenty-eight (28) days in any twelve (12) successive months. Any reduction in pay shall be made in accordance with procedures established in the compensation ordinance.

(c) Dismissal and Demotion: Any dismissal or demotion shall be reported to the Director in the manner and form prescribed by him. A copy of said notice shall be given to the employee and shall include a notice of the employee's right of appeal and the reasons for the action. The Director shall, within a reasonable time, in every such case, review the circumstances surrounding the action to assure that it is being taken on the grounds of merit and fitness. In the event the action is approved, the Director shall advise the employee of the approval. In the event the action is disapproved, the Director shall

notify both the appointing authority and the employee and the employee shall be continued in the same status in the position, providing, however, that the appointing authority shall retain the right of appeal to the Commission. Such appeal from the decision of the Director shall be taken in accordance with Rule XIII.

(d) Removal by the Director for fraud or other acts to the prejudice of the service. The Director shall remove any employee at once if he finds, after investigation and after giving the employee notice and an opportunity to be heard, that the employee was appointed as the result of fraud or a material misstatement of fact, or that the employee has committed a serious act to the prejudice of the service in connection with an examination or other official function carried out by the Department of Personnel.

Section 5. Resignation:

(a) Submission of resignation: Any employee in good standing who shall decide to leave the City Service for any reason, shall submit a formal resignation in writing to his appointing authority, a copy of which shall be forwarded to the Director.

(b) Review: Upon receipt of the resignation, the Director shall conduct a review as he shall deem proper and necessary to determine that the resignation was submitted in good faith by the employee. In the event the Director determines that the resignation was forced, such action shall be deemed to be dismissal from the City Service and the employee shall retain any right of appeal provided by the rules.

(c) Whenever resignations within any organizational unit are, in the opinion of the Director, excessive, the Director may determine that it is appropriate to conduct an investigation, and in such case he shall have the power to investigate the cause of such resignations and to initiate action to remove such causes.

REV. 9/15/93

REV. 4/23/98

REV. 9/28/00

REV. 9/30/05

Civil Service Rule X: Service Ratings

Section 1. Establishment of System:

The Director shall provide and recommend a system or systems of standards of performance for positions in the classified service and methods of rating the service and

performance of the individual employees. Such system or systems may treat different classes of positions or groups of classes in a different manner. Several systems of performance evaluation may be needed to relate to the duties and responsibilities of the individual positions or groups of positions.

Section 2. Standards of Performance:

The standards of performance recommended in each service rating system shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the conduct of employees and their faithfulness to their duties and such other characteristics and performance factors as, in the opinion of the Director, will measure the value of employees to the service.

The system so recommended shall provide for:

(a) Standards of service which must be met by an employee in the particular system in which he is a member in order to be eligible for an increase in pay, reinstatement, reemployment, transfer, or promotion.

(b) Standards of service which all employees must meet subject to decrease in pay, layoff, demotion, or removal.

(c) The use of service ratings as a factor in promotional examinations.

(d) A means by which individual officers and employees may be made acquainted with their good points and their shortcomings as viewed by their superiors.

(e) A means of ascertaining whether the value of the individual officers and employees, from the viewpoint of the City as an employer, is increasing or decreasing.

Section 3. Accessibility of Service Ratings:

Each employee shall be notified of his service ratings by the rater from period to period with a view to his being afforded an opportunity to learn his strengths and for correcting his obvious weaknesses. The reports and rating of each employee shall be signed by him even though he may not agree with the evaluation and may be inspected by him, by his appointing authority, by others on subpoena from a court of law or authorized agency, and, in the discretion of the Director, by another appointing authority who is considering a transfer of the employee to his own jurisdiction. Such ratings and reports shall not be open to the inspection of any other persons outside the Department, and

shall be open to authorized persons only at the hours and under the conditions prescribed by the Director.

Civil Service Rule XI: Hours of Work, Leave and Working Conditions

Section 1. Establishment:

As part of the compensation plan, the Director shall prepare recommendations governing the regulation of hours of duty, holidays, annual, sick, military, and such other forms of leave and other related conditions of employment as he may feel are properly a part of a progressive personnel program, and shall submit such recommendations to the Commission for its approval and revision.

Section 2. Content:

Such recommendations in the compensation plan shall include a statement of minimum daily, weekly, and annual service required under regular full-time employment, in the determination of which the Director shall take into consideration the requirements of private employers in St. Louis and with a view to equity as between positions of different classes and those under different appointing authorities. The requirements may vary for different classes or conditions of employment but shall be uniform in their application to employees of the same class under like conditions of work.

Section 3. Form:

The recommendations shall be submitted to the Commission by the Director in the form of an ordinance as part of the compensation plan.

Section 4. Disposition:

After making such amendments, alterations, or revisions as are deemed necessary, the recommendations shall be submitted by the Commission to the Mayor and Board of Aldermen for their action.

Section 5. Administration:

The Director shall institute such procedures and provide such means as he may deem necessary to insure the proper application and interpretation of that part of the ordinance governing hours and leaves, and other conditions of employment, following its adoption. These procedures shall be such as to insure effective control of attendance and absence, and shall include provision for supplying the Comptroller with such information as is necessary for an audit of payrolls with reference thereto.

Section 6. Part-Time Work:

(a) When part-time service in any position is authorized or rendered, involving less than the regularly established hours of service in any period, the actual compensation to be paid shall be determined by the relation that the actual number of hours of service bears to the number of hours of service involved in full- time employment.

(b) When a position of a professional or consulting nature is established, in which the employee is not required to work regularly, but is required to be available whenever needed, a special rate of pay may be established, to be included in the recommended compensation ordinance, which shall be considered as full remuneration for the position, regardless of the number of hours worked.

Section 7. Outside Employment:

No officer or employee shall engage in any other employment, activity or enterprise for private gain without prior approval of his appointing authority; nor hold any office or employment under the State or United States except in the militia or as a notary public or as a part-time teacher, with the approval of the Director of Personnel, in a public educational institution, or have a personal interest, directly or indirectly, in a contract with the City. Employment or other activities that constitute a conflict of interest with public duties or that are inconsistent or incompatible with public employment, local, state or federal laws or regulations shall be disapproved by the appointing authority.

Revised 9/15/93

Civil Service Rule XII: Employee Welfare

Section 1. Cooperation of Director:

The Director shall cooperate with appointing authorities in promoting programs of employee welfare. Such programs shall include training, health, recreation, safety, economics, affirmative action, suggestion system and other programs as may be deemed desirable for the purpose of promoting the loyalty and efficiency of City employees through their well-being, and creating a City Service which will be attractive as a career.

Section 2. Director to Take Initiative:

The Director shall take the initiative, wherever necessary, for the promotion of such programs. He shall direct, or assist in every way possible, investigations as to the feasibility of proposed programs and as to ways and means of making them effective.

Section 3. Retirement System:

The Director shall prepare recommendations to the Civil Service Commission for a suitable system for the retirement of employees who, by reason of injury, ill health or age, have become incapacitated for rendering satisfactory service. Such recommendations, in ordinance form, after review and approval by the Civil Service Commission, shall be submitted to the Mayor and Aldermen for action.

Section 4. Administration of Retirement System:

The Director shall prepare administrative rules governing the operation of the retirement system and shall institute such procedures and establish such records as may be necessary for the operation and enforcement of the ordinance.

Civil Service Rule XIII: Appeals, Hearings, Investigations, and Reviews

Section 1. Appeals:

The Commission shall have power, and it shall be its duty to consider and determine any matter involved in the administration and enforcement of Article XVIII and the rules and ordinances adopted in accordance therewith that may be referred to it for decision by the Director, or on appeal by any appointing authority, employee, or taxpayer of the City, from any act of the Director or of any appointing authority. The decision of the Commission in all such matters shall be final, subject, however, to any right of action under any law of the State or of the United States. No rehearing shall be granted from a final decision of the Commission.

(a) Appeals by employees from disciplinary actions: Any regular permanent employee in the competitive service, subject to the provisions of Article XVIII and these rules, who believes he has been dismissed, retired, demoted, suspended or reduced in pay without just cause may, within ten (10) days after the effective date of such action or receipt of status form, request in writing a hearing or review to determine the reasonableness of such action. The Commission shall act on the employee's request in an expeditious manner and shall grant the employee such hearing or other review as soon as possible considering the nature of the appeal and the Commission's docket of hearings and

reviews. An employee in his working test period who is removed from his position for failure to pass the working test period shall have no right of appeal from the action.

(b) Decision of the Commission: After hearing and/or reviewing and considering the evidence for and against the employee, the Commission shall prepare a report of its findings and conclusions of law approving or disapproving the disciplinary action. In case of approval, the disciplinary action shall be deemed final as ordered. In case of disapproval, the Commission shall order the reinstatement, demotion, suspension and/or reduction in pay of the employee or such other action as it deems suitable and order full pay for the time lost as the result of disciplinary action.

(c) Appeals from disapproval by the Director of disciplinary actions taken by the appointing authority: Whenever the Director, after review of a dismissal, demotion, or reduction in pay ordered by an appointing authority, shall indicate disapproval of the action, the appointing authority may request in writing a review or a hearing before the Commission to determine the reasonableness of such decision. The Commission shall act on the appointing authority's request in an expeditious manner and shall have a hearing and/or review of the request as soon as possible considering the nature of the appeal and the Commission's docket of hearings and reviews.

(d) Decision of the Commission: After hearing and/or reviewing and considering the evidence for and against the employee, the Commission shall prepare a report of its findings and conclusions of law, approving or disapproving the disciplinary action. In the case of approval, the disciplinary action shall stand as made by the appointing authority. In the case of disapproval or modification, the employee shall be restored to his or her former status or the action shall be modified as ordered by the Commission. In reviewing any appeal made under these rules, the Commission may in its discretion adjudicate the appeal based on written submissions or engage a hearing officer for the purpose of conducting a hearing with regard to said appeal. Said hearing officer shall be empowered to do all things the Commission is authorized to do in connection with such a hearing, except for rendering a decision on the appeal at issue.

Section 2. Disciplinary Action for Non-Merit Reasons:

If the Commission finds that any disciplinary action was for reasons of race, national origin, sex, political or religious affiliations or beliefs, age, or disability, then the employee shall be immediately reinstated in his position and be reimbursed for any loss of pay occasioned by such disciplinary action.

Section 3. Administrative and Other Appeals:

(a) In reviewing any appeal made under these rules, the Commission may defer its consideration until a determination has been made under an appropriate administrative appeals procedure established or approved by the Director of Personnel. In cases of the existence of an established administrative appeals procedure, all matters appealable under such procedure shall be dealt with through such procedure unless the Commission determines that it is appropriate to assume original jurisdiction.

Determinations made under any administrative appeals procedure adopted or approved by the Director of Personnel which are subsequently appealed to the Civil Service Commission may be determined on the basis of the record of such proceedings, or through such other hearing, investigation, review, or submission of additional information as the Commission deems appropriate. Appeals to the Commission of the results of any approved administrative appeals procedure of any matter otherwise appealable shall be made in writing within ten (10) days after the date of notification of the results of the administrative appeal.

(b) Appeals to the Commission on matters involved in the administration and enforcement of Article XVIII and these rules not involving disciplinary action shall be made in writing within ten (10) days after the effective date of the action being appealed. Such appeal shall set forth the point at issue and the reason or reasons for the request. The Commission shall act on the request as expeditiously as possible and shall determine the manner of consideration of the appeal. The Commission may determine to hold a hearing, make an investigation, or review the matter at issue. On completion of consideration of the matter at issue, the Commission shall apprise all parties of its decision. The powers of the Commission to grant remedies in such cases shall be the same as in other matters over which the Commission has jurisdiction in accordance with the Charter and these rules.

Section 4. Representation:

Any person appearing at a hearing as a party to the cause being heard shall be entitled to counsel, if he so desires, but this section shall not be construed to mean that such representation is necessary nor to be in contradiction to Rule III, Section 4.

Section 5. Power to Administer Oaths, Subpoena, and Demand Production of Records:

In the course of any hearing, investigation, or tests of fitness conducted under the provisions of this Article, the Director of Personnel and any other person authorized by

him as his representative for such purposes, shall have power to administer oaths, to subpoena and require the attendance of witnesses within the City and the production by them of books and papers pertinent to any matter of inquiry and to examine such witnesses under oath, in relation to any matter properly involved in such proceeding. For such purposes, the Director or his authorized representative may invoke the power of any court of record in the City, or judge thereof, in term time or vacation, to compel the attendance and testimony of witnesses and the production of books and papers in compliance with such subpoenas. All witnesses so subpoenaed, who are not employees of the City, shall be entitled to the same fees as are allowed in civil cases in courts of record.

Section 6. False Statements Under Oath and Refusal to Testify Forbidden:

If any officer or employee in the classified service shall make any false statement under oath or shall willfully refuse to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he shall be dismissed from the classified service and shall not be eligible for appointment to any position in the classified or exempt service for a period of five (5) years. His false statement under oath or refusal to testify shall be incorporated in his personnel record and shall be considered as a factor at any time at which he may make application for appointment to the City Service.

Section 7. Investigations by Commission:

The Commission may, upon its own initiative, make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this Article and of ordinances and rules adopted in accordance therewith, and make such recommendations to the Director and to the Mayor and Aldermen as in its judgement may be warranted in the premises.

Section 8. Public Hearings:

All hearings shall be open to the public except that in a hearing on disciplinary action the Commission may grant an employee's or appointing authority's request for a private hearing to secure all the facts of the case.

Section 9. Hearing on Removal of the Director of Personnel:

Whenever the Director has been charged with nonfeasance, malfeasance, or misfeasance in office, he shall be given a public hearing by the Commission within ten (10) days after he has received written notices of the charges accompanied by a

statement in writing of the specific acts charged. At the conclusion of the hearing, the Commission shall recommend to the Mayor whether or not the Director of Personnel shall be removed from office. The Mayor may either accept or reject the recommendation and his decision shall be final.

Section 10. Dismissal of Appeals:

The Secretary to the Commission shall have power to dismiss such appeals as do not have standing under these rules, provided that records of such dismissals shall be available for the review of any Commissioner. (Rule XIII, Section 1 amended by the Civil Service Commission, September 3, 1985.)

Revised 9/15/93

Civil Service Rule XIV: Records and Reports

Section 1. Official Roster:

The Director shall provide and maintain a complete official roster of employees showing for each employee, his name, address, class title, pay range, changes in any of them, and such other information as he may deem desirable. The form and manner in which such information shall be maintained shall be determined by the Director.

Section 2. Changes in Status Reports:

Every vacancy, appointment, transfer, demotion, promotion, dismissal, change of salary rate, disability report, leave of absence, absence from duty, and other temporary or permanent change of status of employees of the classified service shall be reported to the Director at such time, in such form, and together with such supporting or pertinent information as the Director may prescribe in conformity with these rules.

Section 3. Access of Administrative Records:

Officers and employees shall make available to the Director all department reports, records, and documents, the examination of which will aid him in the discharge of his duties.

Section 4. Records Open to the Public:

With the exceptions indicated in these rules, the minutes of the meetings of the Commission, annual and special reports, classification and compensation plans, reemployment and employment lists and records of employee names, class titles, and

salary ranges are hereby declared to the public records and shall be open to public inspection at the office of the Department, under reasonable conditions, during business hours. Material to be used in tests not yet held, confidential reports of employees regarding applicants or eligibles, and the names and identity of special investigators who may be temporarily employed by the City and whose usefulness would be impaired if their identity were disclosed are held confidential. Test papers and results, except confidential test material, shall be open to inspection as provided in Rule VI, Section 11. The service ratings of an officer or employee as recorded in the office of the Department shall be open to inspection as provided in Rule X, Section 3.

Section 5. Destruction of Records:

Roster cards, minutes of meetings, and records of receipt and disbursement of Departmental funds shall be kept permanently. Records pertaining to any examination, including correspondence, applications, and examination papers may be destroyed after the expiration of the eligible list or lists based upon the examination. All other non-permanent records pertaining to personnel may be destroyed after five (5) years.

Civil Service Rule XV: Political Activity

Section 1. Political Assessments and Contributions:

(a) No person in a competitive position in the classified service shall be under any obligation to contribute money or anything of value to any political fund or to render any political service to any partisan or non-partisan candidate, political fund, political campaign, or other political project against his or her free will, and no such person shall be removed or otherwise prejudiced or discriminated against in any matter covered in Article XVIII of the City Charter for refusing to perform a political act.

(b) No person in an excepted position or competitive position in the classified service shall solicit contributions for any political party or partisan political campaign or partisan candidate from any person in a competitive position in the classified service.

Section 2. Political Speeches, Campaigning and Activity:

(a) No person holding an excepted position or a competitive position in the classified service shall use his or her official authority or influence to coerce or influence the political action of a person in the competitive service, or to coerce or influence the political action of any other person. In addition, no such person shall threaten to use his official authority or influence to coerce or influence the political action of any other

person. And, further, no such person shall use his office, or official time, or City facilities in an active partisan campaign.

(b) No person holding an excepted position or competitive position in the classified service shall seek or accept nomination, election or appointment as an officer of a political party elected by popular ballot. No such person shall conduct any active campaign for elective office without first resigning his or her position. However, nothing shall prevent such person from seeking or accepting election or appointment to public office, short of an active campaign for elective office. An active campaign is defined to include, among other things, the act of officially filing for election to public office and/or publicly announcing the intention to run for public office.

(c) No person in a competitive position in the classified service shall take an active part in a partisan political campaign, and no such person shall take vacation leave or a leave of absence to work on political campaigns in the manner herein prohibited. An active part is defined as those activities which essentially attempt to influence voters to vote for a particular candidate or party, including serving on a campaign committee as Chairman, Treasurer, or other officer, circulating petitions provided for by any primary or election law for any candidate or party, acting as a worker at the polls or phone banks, distributing badges, bumper stickers, handbills, or other indicia favoring or opposing a candidate for election or nomination to a public office whether Federal, state, county, or municipal, or erecting signs favoring or opposing any such candidate.

(d) No person holding an excepted position in the classified service shall work on a political campaign while on duty, but shall devote the entire time to the duties of their office.

(e) Any person in a competitive position in the classified service shall have the right to become a member of a political club or organization, and to attend political meetings, and to freely express his or her opinions, short of expressions designed to influence others to cast their vote in a certain way in a partisan election. Such expressions by the employee may include opinions on political questions, including the quality of a political candidate; erecting yard signs on property owned or leased by the employee; affixing bumper stickers to an automobile owned or leased by the employee, provided the automobile is not used while the employee is engaged in official duties; wearing campaign buttons so long as they are not worn while the employee is officially on duty, or making a contribution to a political campaign within existing election laws.

(f) Members of the Civil Service Commission shall comply with the rules regarding campaigning and activity in accordance with the provisions of these rules applicable to persons occupying competitive positions in the classified service.

(g) Nothing in this section, however, shall prevent an employee in the competitive service from participation in non- partisan political campaigns, including non-partisan election campaigns for school boards, bond issues, tax measures, constitutional or charter amendments, referendums, initiatives, and petitions in pursuit of such measures.

(h) For the purposes of this rule, a competitive position in the classified service shall mean any position that is not excepted, whether the incumbent has received a competitive, provisional, temporary transient or limited-term appointment.

Section 3. Political Influence and Coercion:

No person, while holding any City office or employment in the excepted or competitive service, or while in nomination or seeking nomination to appointment to any office shall corruptly use or promise to use, directly or indirectly, any official authority or influence, possessed or anticipated, to confer upon any person, or to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion, or increase of salary upon the consideration or condition that the vote or political influence or action of any person shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration. No person holding a position in the excepted or competitive service shall favor or discriminate against any employee in any matter under the purview of Article XVIII on the basis of the employee's political affiliations, beliefs, or actions. No person, being an officer or holding any position in the competitive or excepted service, or having or claiming to have any authority or influence in relation to the nomination, employment, confirmation, promotion, removal, or increase or decrease in salary of any employee, shall corruptly use or promise or threaten to use any such authority or influence, directly or indirectly, to coerce or persuade the vote or political action of any person, or the removal, discharge, or promotion of any employee of the City.

Section 4. Voting:

On any election day the offices of the City shall remain open for business. All employees shall be entitled to and be given an opportunity to vote. In most cases, the employee can vote without taking time off from his or her regular job duties. However, when this cannot be accomplished, the employee may be granted time off with pay to

vote under the conditions that follow. When it is necessary to be away from the place of work to vote, the employee may be granted time off with pay with the approval of the employee's appointing authority. The total time away from the place of work allowed to an employee for the purpose of voting shall be kept to a minimum and shall not exceed the minimum of voting time required by the Revised Statutes of the State of Missouri and shall be requested in accordance with such Statutes.

Section 5. Violations, Penalties:

In every case where it shall come to the attention of the Director that any employee in the classified service, subject to Article XVIII and these rules, has engaged in political or other activities forbidden under these rules and Article XVIII, he shall conduct an investigation and upon the completion of the same present his findings to the Commission at its next regular meeting thereafter. The Commission, following a review of the findings, may conduct a complete investigation and hearing; if the Commission finds that the employee has been guilty of a violation of the act and these rules, it shall order immediate dismissal of the employee, or such other disciplinary action authorized by these Rules deemed appropriate, and shall instruct the Director to so inform the Comptroller. In any case where an employee of the classified service has been coerced into taking unwanted political action by those in authority over him, he may report such circumstances directly to the Commission who will investigate and take such action as is indicated.

Revised 9/15/93

Revised 12/18/96

Civil Service Rule XVI: Equal Employment Opportunity

Section 1. Discrimination in Employment:

No person shall be appointed to a position in the classified service, nor be demoted, reinstated, reemployed, promoted, discharged, increased or decreased in pay, nor in any way be discriminated against with regard to the person's compensation, terms, conditions or privileges of employment because of his or her race, color, national origin, religious affiliations or beliefs, sex, sexual orientation, age or handicap, except in those instances when such requirements are bona fide qualifications necessary to the safe and efficient performance of the position or when an employee is retired because he or she has reached the mandatory retirement age.

Section 2. Equal Employment Opportunity Program:

The Director shall be responsible for the development and implementation of an equal employment opportunity program to ensure the fair and equal treatment of all classified employees. This responsibility shall include:

- (a) The coordination and direction of an equal employment opportunity program in the several City departments and agencies.
- (b) The development, implementation and monitoring of special programs to advance the concept and practice of equal employment opportunity.
- (c) The investigation of charges alleging discrimination as prohibited herein.
- (d) The establishment of an administrative procedure to hear, address and resolve charges of discriminatory treatment as prohibited herein.

Section 3. Retaliation:

No person, agency, representative, appointing authority, or hiring official shall take any retaliatory action against an individual who in good faith alleges that he or she was discriminated against as prohibited herein, or who assists or participates in the investigation or hearing resulting from any provision of this Rule.

Section 4. Sexual Harassment:

No person shall be subjected to sexual harassment by another employee in seeking employment or promotion or during the course of employment in the City Service.

REVISED: 4/11/01

Civil Service Rule XVII: Audit of Payrolls

Section 1. Audit by Comptroller:

Prior to payment of any salary, wage, compensation, claim, or account for personal services by the Treasurer or any other disbursing officer, the Comptroller or person designated by him shall certify that the persons named on the payroll or account have been lawfully employed in a position duly authorized and are entitled to payment for actual service in such positions or authorized absences therefrom, at the rates, for the periods, and in the amounts covered by such payrolls or accounts. The Comptroller shall not approve any item of a payroll or account of any employee nor issue his warrant

for any payment therefor, except on evidence satisfactory to him that the employment complies with the points stipulated above.

Section 2. Notice to Comptroller:

(a) Personnel information: The Director shall establish procedures for notifying the Comptroller without delay, of any new positions, new employees, changes in pay or status, and attendance and absence of employees and of his approval or disapproval of such actions to be used as basis for the conduct of the audit specified in Rule XVII, Section 1. He shall, if so requested by the Comptroller, make available the official roster for the purpose of making such audits.

(b) Violation of Compensation Plan: Whenever the Director finds that any person is employed or is proposed to be paid as an employee in the classified service in any amount not provided for under the provisions of Article XVIII and any rules and ordinances in effect not inconsistent therewith, he shall so notify the Comptroller. After such notice the Comptroller shall not approve any further payment to such person except in accordance with such provisions.

Section 3. Remedies in Case of Denial of Payment and Unauthorized Payment:

No claim of any person appointed or employed contrary to the provisions of Article XVIII or the rules and ordinances thereunder, whose payroll or account is refused approval or payment, shall be paid by the City, but the officer or officers appointing or employing, or attempting to appoint or employ any such person, and the sureties of his or their official bonds shall be liable jointly and severally for the amount due to such person by reason of such employment or purported employment. No officer, during the time of his official service thereafter, or his surety, or other person on behalf of either, shall be reimbursed by the City for any sum so paid or recovered. The City Counselor, or special counsel designated therefor by the Board of Aldermen, shall prosecute such actions as may be necessary to recover any sum paid contrary to the provisions of this Article from any officer or officers making the appointment or continuing the employment on which such payment was based, in contravention of the provisions of this Article or the rules and ordinances made in pursuance thereof, or any officer signing or countersigning or authorizing the signing or countersigning of any order or warrant for payment, or making any payment therefrom or from the sureties of any such officer or officers on their official bonds.

Civil Service Rule XVIII: Labor Relations

Section 1. Definitions:

The following definitions are applicable herein:

(a) "Appropriate unit" means a unit of employees at any plant or installation or in a craft or in a function of the City which establishes a clear and identifiable community of interest among the employees concerned.

(b) "City" means the City of St. Louis.

(c) "Confidential Employee" means any employee whose unrestricted access to confidential personnel files or information concerning the administrative operations of the City, or whose functional responsibilities or knowledge in connection with the issues involved in the process of dealing with labor organizations or unions, would make his/her membership in the same organization as non-confidential employees incompatible with his/her official duties.

(d) "Designated representative" means the Director of Personnel or his designated representative relative to the provisions of Article XVIII of the City Charter.

(e) "Employee" means any person in the classified service who occupies a full or part-time permanent position, except a person occupying a management, supervisory, confidential or excepted position.

(f) "Excepted position" means:

1. all positions filled by election by the people;
2. all positions or heads of principal departments and of independent agencies, that are filled by appointment by the Mayor;
3. one position of executive secretary and one position of secretary and stenographer to the Mayor;
4. all positions of paid members of boards;
5. all officers and employees of the Board of Aldermen.

(g) "Exclusive bargaining representative" means an organization which has been selected by the majority of employees in an appropriate unit as the representative of such employees in such unit for purposes of collective bargaining, and so designated by the Missouri State Board of Mediation.

(h) "Manager" means an employee whose class has been assigned to a pay grade in the Management Pay Schedule as designated by the suffix "M" in the class's grade allocation and the classes of Fire Alarm Supervisor, Battalion Fire Chief and above in the Fire Department Pay Schedule, designated by the suffix "F" in the class's grade allocation.

(i) "Supervisor" means an individual having authority in the interest of the employer to hire, or fire, or transfer, or suspend, or layoff, or recall, or promote, or discharge, or assign, or reward, or discipline, or evaluate other employees, or to adjust grievances, or effectively to recommend any of the foregoing, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but rather requires the use of independent judgment. Whether the employee does or does not also perform (in whatever proportion of his/her work time) work duties of a nature similar to that of other bargaining unit employees shall not be considered relevant in determining whether or not he/she is a supervisor as defined herein.

Section 2. Rights of the City as the Employer:

Nothing in this rule is intended to circumscribe or modify the existing right of the City to:

- (a) direct the work of its employees;
- (b) hire, promote, assign, transfer, and retain in positions within the City Service;
- (c) demote, suspend, reduce in pay or discharge employees for proper cause;
- (d) determine the classification of all City employees;
- (e) maintain the efficiency of governmental operations;
- (f) lay off employees due to lack of work, failure of financial appropriation or other causes which do not reflect discredit on the employee;
- (g) take actions as may be necessary to carry out the mission of the City in emergencies; and
- (h) determine the methods, means, and personnel by which operations are to be carried on.

Section 3. City Employee Rights:

City employees, except managers, supervisors, confidential and excepted employees, shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of meeting and conferring with the designated representative of the City with respect to wages, hours, and other terms and conditions of employment as provided in Article XVIII of the City Charter and these rules. City employees also shall have the right to refuse to join or participate in the activities of employee organizations.

Section 4. Manager, Supervisor, Confidential Employee, and Excepted Position Excluded:

No manager, supervisor, confidential employee, nor person occupying an excepted position shall be permitted to join or maintain membership, or engage in activities of any employee organization or union which admits to membership, or is affiliated directly or indirectly with an employee organization or union which admits to membership, employees who work under the direction of such manager, supervisor, or confidential employee or person occupying an excepted position.

Nothing in this section, however, shall prevent a manager, supervisor, confidential employee, or person occupying an excepted position, from making a contribution to a union for the purpose of maintaining continuity of economic benefits obtained while a member of a union prior to enactment of this Rule or prior to occupying a position as manager, supervisor, confidential employee, or excepted position, provided such contribution does not also confer benefit of membership of said union.

Section 5. Dues Checkoff:

Union or Employee Organization

A union or employee organization shall be entitled to bi-weekly payroll deduction provided it meets the following criteria:

(a) It is designated exclusive bargaining agent for a group of City employees by the Missouri State Board of Mediation.

(b) Payroll deduction is authorized only for those employees within the bargaining group for which the union or employee organization is designated exclusive agent by the Missouri State Board of Mediation.

(c) The union or employee organization has executed a memorandum of understanding with the City which includes the provision of dues checkoff. Such agreement must be approved by both the relevant appointing authorities and the Director of Personnel.

(d) The union agrees to pay a fee as determined by proper authority prior to start of payroll deduction.

Those unions and employee organizations presently provided dues checkoff privileges shall continue to enjoy them, the previous provisions notwithstanding. This exemption does not apply to employees whose class has been assigned to a management pay grade as designated by the suffix "M" in the grade code, grades 74F and above, supervisory, confidential or excepted employees. Employees in these categories cannot have dues deductions. A service fee on dues will be made by the City to unions or employee organizations with dues checkoff privileges as provided by the Comptroller.

Section 6. Strikes Prohibited:

Nothing contained herein shall be construed as granting a right to employees covered hereby to strike or to take any other job action.

Adopted - Effective May 1, 1986

Civil Service Rule XIX: Police Department Disciplinary Process

Section 1.

Pursuant to R.S. Mo. 84.344, St. Louis City Ordinance No. 69489, and Mayor's Executive Order No. 48, the City has established a municipal police department effective September 1, 2013.

Pursuant to R.S. Mo. 84.344.4, St. Louis City Ordinance No. 69489, and Missouri common law, the Civil Service Commission hereby acknowledges the continuing validity of the terms of the Collective Bargaining Agreement dated May 25, 2011 and entered into between the St. Louis Police Officers' Association and the Board of Police Commissioners until such time as such Agreement expires.

Pursuant to R.S. Mo. 84.344.8, the terms set forth in Police Manual Rule 7 will govern the disciplinary process of commissioned police officers until such time as the aforementioned agreement expires, subject to the following clarifications:

(a). Any proposed discipline of a suspension or loss of pay in excess of 15 days and/or termination shall be determined by the Chief of Police after receipt of an investigative report from the Internal Affairs Division.

(b) If the individual subject to proposed discipline does not accept the proposed discipline, s/he shall have a right of appeal to the Civil Service Commission.

(c) Upon such appeal, the Civil Service Commission shall assign a hearing officer to conduct an evidentiary hearing, and such assignment shall be made in accordance with the procedure currently set out at Police Manual Rule 7 at 7-37.

(d) At the conclusion of such evidentiary hearing, the hearing officer shall prepare and transmit findings of facts and conclusions of law to the Civil Service Commission as currently contemplated in Rule 7 at 7-38. If the Commission sustains any charges against the officer, then discipline shall be determined by the Civil Service Commission pursuant to the procedure set out at Police Manual Rule 7 at 7-36. After the Civil Service Commission decides both whether to sustain charges and the punishment, if any, then its decision shall be appealable to the courts pursuant to RS Mo. Chapter 536.

(e) Any disciplinary proceedings of commissioned officers pending under the jurisdiction of the Board of Police Commissioners shall, as of the effective date of this rule, be transferred to the jurisdiction of the Civil Service Commission for completion, and all evidence adduced under the jurisdiction of the Board of Police Commissioners shall be recognized by the Civil Service Commission.

Section 2.

The disciplinary process of all former civilian employees of the St. Louis Police Board who are converted to City employees shall be governed by existing Civil Service Rules and Department of Personnel Administrative Regulations.

Adopted and effective September 1, 2013.

Civil Service Rule XX: Validity of Rules

If any part of Amended Article XVIII or these rules is held by competent authority to be invalid, every other part thereof not so held shall continue in full force and effect as though such invalid part had not been included therein.

All actions taken prior to the adoption of these amendments to the rules shall be processed in accordance with the provisions of the rules existing on the date of the action.

REV. 09/04/13